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Task Force on Labour Relations

Study No. 21

Collective Bargaining by Canadian Public School Teachers

J. Douglas Muir

B.Comm. (British Columbia)

M.B.A. (California)

Faculty of Business Administration and Commerce
The University of Alberta

Privy Council Office
Ottawa

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TASK FORCE ON LABOUR RELATIONS

(under the Privy Council Office)

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**COLLECTIVE BARGAINING BY
CANADIAN PUBLIC SCHOOL TEACHERS**

BY

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Faculty of Business Administration and Commerce
THE UNIVERSITY OF ALBERTA

OTTAWA

FEBRUARY 1968

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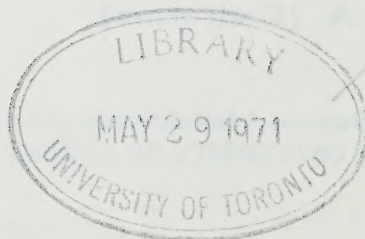
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Most of these individuals indicated that they would like to receive a copy of this report when it becomes available for the public.

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J..Douglas Muir
Project No. 55(r)

CHAPTER I

INTRODUCTION

Education in Canada is big business! Total educational expenditures in Canada in 1967 amounted to \$4,539 million. To place these expenditures in the perspective of the dimensions of the Canadian economy, it should be noted that education represented an expenditure of \$222.00 per capita or 7.3% of Canada's Gross National Product.

Educational expenditures in Canada, as elsewhere, have been increasing at a rapid rate. In the past decade, for example, total educational expenditures have increased by 381% and now consume 9.7% of total personal income as compared to only 5.1% a decade ago. Since all but 12% of the funds for education come from tax revenue, these increases in educational costs have significantly increased the tax burden of the average Canadian taxpayer, particularly the property owners. The weight of this increased burden has led some segments of the community to call for controls and restraints on these expenditures. Others in the community are calling for a shift in the source of school revenue and are asking that the provincial and even the federal governments assume much of the tax burden now borne by the property owners in the local school districts. As a result, in most provinces public school costs, methods of financing and allocation of funds

have become the subjects of considerable political and public concern over the past few years.

Salaries paid to teachers account for almost 70% of the operating costs of the public schools in Canada. With such a high proportion of total operating costs being spent on a single item--particularly a salary item--there has naturally been a great deal of concern expressed over the level and increase of teachers' salaries in all provinces. Such concern has been nurtured by the collective activities of the teachers during this period. For example, in eight of the ten provinces the teachers have been actively attempting to improve their economic and occupational positions through collective bargaining activities. Teachers, as a group, have exercised some form of economic and/or political pressure in all but two of these eight provinces. Such action has taken the form of strikes, coincidental resignations, refusal of normal assignments and other forms of sanctions. In all instances these activities have received considerable press coverage since such action by teachers, either directly or indirectly, affected the school children which in turn affected the parents.

The increase in school taxes and teachers' collective bargaining activities appear to be very closely related in the minds of a large portion of the Canadian taxpayers. A cause-effect relationship between these three factors appears to have been assumed by many. This has led to a number of moves on the part of provincial governments, local school boards and citizen's committees to attempt to restrain or restrict teachers' collective bargaining activities. There appears to have been a disturbingly wide acceptance of the view that control of the teachers' collective bargaining activities is an ideal vehicle through which to control the movement of teachers' salaries and, in turn, school taxation.

This study, conducted on behalf of the federal government's Task Force on Labour Relations, is designed to examine the major features of the Canadian teachers' collective bargaining activities. Its focus is upon the parties in the Canadian educational setting, their relations and their activities leading to the determination of the level of teachers' salaries. To this end, Chapter II examines the structure of the educational setting in each province and outlines the authority and responsibility of each of the parties. Chapter III analyzes the composition and characteristics of the Canadian teaching force and the nature of the labour market for teachers in Canada. In Chapters IV to IX a detailed analysis is made of the collective bargaining system in each of the provinces. Chapter X sets forth a number of observations and conclusions which may be made concerning the collective bargaining activities of teachers in Canada.

While this study is not designed to suggest the cause-effect relation that may or may not exist between the collective bargaining activities of teachers and the increase in school taxation, this is the centre of attention of a further study being conducted by this author. 1/ The present study is, however, intended to provide an insight into the teachers' collective bargaining activities in Canada and to perhaps help document these activities and help fill the void that now exists in the literature relating to these problems.

The bulk of the research relating to this study was conducted in 1967 and the first draft of the report was submitted to the Task Force on Labour Relations on October 1, 1967. The final draft was received by the Task Force on Labour Relations on February 8, 1968. As a result of the confidential nature of the Task Force Report itself, a considerable period of time

elapsed before this study could be made public. It is recognized that the subject of teacher-trustee collective bargaining is a very dynamic area and that a number of important changes have occurred during the elapsed period. In making the final editorial changes the author has noted the most important of these changes in the footnotes.

REFERENCES

- 1/ Muir, J.D., Ph. D. dissertation at Cornell University entitled "Canadian School Teachers' Salaries: Impact of Collective Bargaining and Other Factors".

CHAPTER II

THE EDUCATIONAL SETTING

A. RESPONSIBILITY FOR EDUCATION

Under the terms of Sections 91 and 92 of the British North America Act, each province in Canada is totally responsible for developing and carrying out its own educational system. The only federal responsibility is the education of the Indians, Eskimos and, in certain localities, the children of those in the armed forces. Thus, there is not one but ten educational systems in Canada,—each with its own philosophy, policies and program. In some aspects the characteristics of the education systems vary considerably from one province to another. For instance, one basic difference is that elementary and secondary education is completed in 11 years in Newfoundland, 13 years in Ontario and British Columbia, and 12 years in the other provinces.

In most provinces matters such as curriculum, text books, matriculation examinations, teachers' qualifications, etc., are all regulated at the provincial level. In all provinces, except Newfoundland, the administration of elementary and secondary education within the provincial framework has been delegated to locally elected boards of school trustees. These school boards are required to finance schools within their school jurisdiction

from provincial grants and locally imposed property taxes and are completely responsible for the recruitment of teachers, the administration of the schools, the conveyance of the pupils as well as the construction and maintenance of the schools themselves.

Therefore in all provinces, other than Newfoundland and possibly New Brunswick, most matters affecting the administration of teachers, including their salaries and working conditions, are the responsibility of the local school boards. 1/ However, to a certain degree, the provincial government exercises a control over these factors by (a) the type and size of the grants given to the school boards and (b) by legislating certain working conditions. It should be noted that in Newfoundland, and to some degree in Prince Edward Island, teachers' salaries and working conditions are a responsibility of and are administered by the provincial government.

The educational system as it has developed in the different provinces reflects the culture and religion of those in the province. In some provinces the responsibility for education was originally assumed by the church and thus the church still plays an important role in the system. For example, within Newfoundland's broad educational framework there are seven educational systems—Church of England, Roman Catholic, United Church, Salvation Army, Presbyterian, Seventh Day Adventist and Pentecostal. Another example is Quebec where the cultural differences have led to the development of three separate systems—French, English Catholic and English Protestant. Similarly in Ontario there are three systems—public, English Catholic and French Catholic. In British Columbia, on the other hand, there is a single public school system although there are a number of catholic "private" schools.

In most provinces both secondary and elementary schools (grades 1 through 12 or 13) are included in a single system. However, in Ontario and some of the major urban centres in the other provinces (such as Saskatchewan) the elementary schools are in a separate system distinct from the secondary system. In many ways the school systems in the eastern provinces are more complex and subdivided than those in the western provinces. One explanation for this difference is that the educational systems were developed and operating in the eastern provinces long before they were formed in the western provinces. Thus those in the western provinces were able to benefit from the experiences of the eastern provinces. Furthermore, the western provinces could develop single school systems more easily due to fewer cultural differences and stronger governmental influence when the system was first established.

Since the extent of the federal government's financial participation in education is restricted to the education of Indians and Eskimos and providing grants to aid vocational schools and universities, its financial participation in Canadian public school education amounted to only 5.4% of total school revenue in 1963. The federal government, however, contributed 61.7% of the total revenue for post-secondary vocational education and 25.7% of the revenue for higher education in Canada for the year 1963. 2/

It should be noted that private schools are subject to little provincial regulation and generally do not receive any financial support from the provinces. This is not to be confused with the public and the separate school systems which exist in the provinces of Ontario, Saskatchewan and Alberta. In these provinces, both the public and the separate school systems are supported by provincial grants. Normally the term "separate"

school is used to designate the Roman Catholic school system but this is not always the case. The first tax-supported school established in an area is called a "public" school and the pupils may be predominantly either Protestant or Roman Catholic. In these circumstances the taxpayers of the minority religious group may establish a "separate" school with teachers of their own faith. Thus separate schools may be either Protestant or Roman Catholic. For example, in two of the suburban communities of Edmonton, St. Albert (a predominately Roman Catholic community) the "separate" school system is Protestant whereas in Strathcona (a predominately Protestant community) the "separate" school system is Roman Catholic. Quebec's educational system from kindergarten to university is based upon Protestant and Roman Catholic beliefs both of which operate under a common Act and are supported by provincial grants.

The existence of separate school systems has had a significant influence upon the organization and relation of the parties. In provinces where there are strong separate school systems the teachers and trustees are also organized on a separate basis. In Quebec, even the Department of Education has separate English and French administrative organizations. Furthermore in Quebec, prior to Bill 25, salary determination was conducted separately for French, English Catholic and Protestant teachers with the result that there was little or no similarity in the salary structures established for teachers in the three systems.

B. THE LEGISLATION

An important aspect of the setting within which teachers and trustees interact is determined by the legislation under which they operate. The following briefly outlines the legislative framework in each province.

(a) British Columbia

Unlike many provinces, a single statute establishes and controls the parties in British Columbia. The Public Schools Act (a) establishes the power and authority of the Department of Education; (b) defines the duties and responsibilities of the boards of school trustees; (c) establishes the British Columbia Teachers' Federation and specifies its power and role; and finally (d) establishes a rather specific bargaining procedure which the parties must follow.

(b) Alberta

In Alberta there are four separate statutes controlling the relationships of the parties. There is (a) the Department of Education Act which allocates the duties, power and authority to the Department of Education; (b) the School Act which establishes local boards of school trustees, and outlines their duties and powers as well as specifying such things as the number of school days, vacations and duties of teachers; (c) the Teaching Profession Act which incorporates the Alberta Teachers' Association, requires all teachers to be members of the Association as a condition of employment and gives the Association disciplinary power over its members; and (d) The Alberta Labour Act which gives employees (including teachers) the right to organize, bargain collectively and strike as well as providing the bargaining procedure followed by the parties.

(c) Saskatchewan

The relationships between the parties in Saskatchewan are controlled by five statutes. These are (a) The School Act which not only establishes

the Department of Education and specifies its powers and duties but also determines the size, boundaries and borrowing powers of school districts as well as teacher hiring and dismissal procedures and the duties of teachers; (b) An Act to Provide for Larger School Units which allows larger school units to be established and specifies their taxation and borrowing powers; (c) The Teachers' Federation Act which specifies the powers, organizational structure and membership requirements of the Saskatchewan Teachers' Federation; (d) The Teacher Salary Agreements Act 3/ which establishes the procedure for negotiating salary agreements and for the settlement of grievances; and (e) the Secondary Education Act which establishes high school districts and collegiate institutes and specifies the Department of Education's control over secondary education.

(d) Manitoba

There are three basic statutes dealing with the interaction of the parties in Manitoba. These are (a) the Public Schools Act which establishes boards of trustees and specifies their duties, responsibilities and their taxation and other powers and regulates teacher-school board negotiations; (b) the Education Department Act which defines the authority and power of the Department of Education, and specifies the regulations concerning teacher certification as well as the rules governing Boards of Conciliation; and (c) the Manitoba Teachers' Society Act which states the membership requirements, organization structure and disciplinary powers of the Society.

(e) Ontario

The relationships between the parties in Ontario are not closely regulated by legislation. However the applicable statutes are (a) the

Teaching Profession Act which defines the membership requirements and disciplinary powers of the Ontario Teachers' Federation; (b) the Department of Education Act which specifies the powers of the Minister of Education as well as the method of calculating school grants; (c) the Public Schools Act which establishes the school districts and specifies the duties and borrowing powers of the school boards; (d) the Schools Administration Act which deals with the administrative problems of the schools such as the number of school days, hiring and termination of teachers, etc; and (e) the Secondary Schools and Boards of Education Act which establishes larger school units and details the financial and regulatory powers of the larger unit school boards.

(f) Quebec

The five statutes relating to public school administration in Quebec are (a) the Education Department Act which defines the powers of the Minister of Education; (b) the Superior Council of Education Act which establishes the Superior Council of Education and details the powers and duties of both this Council and of the school commissions; (c) the Education Act which outlines the powers and the duties of the trustees as they relate to the teachers; (d) Bill 25 which ensures the right of education for children and provides for both negotiations and a Teachers' salary scale at the provincial level; and (e) the Labour Code which grants employees in the province the right to organize, to bargain and to strike.

(g) New Brunswick

The two statutes affecting teacher-trustee relations in New Brunswick are (a) the School Act which defines the duties and powers of the Minister

of Education, the school boards and of the teachers; and (b) the New Brunswick Teachers' Association Act which specifies Association membership requirements and the power of the Association over its members. 4/

(h) Nova Scotia

The statutes affecting the parties in Nova Scotia are (a) the Nova Scotia Teachers' Union Act which specifies the powers of the Union and its membership requirements and provides a negotiation procedure for the parties; and (b) The Education Act which defines the powers of the Minister of Education and details the duties and responsibilities of both the school boards and the teachers.

(i) Prince Edward Island

In Prince Edward Island the relevant statutes are (a) the School Act which establishes the power of the Minister of Education, and defines the duties of both the teachers and the school boards; and (b) the Prince Edward Island Teachers' Federation Act which establishes the powers and membership requirements of the Federation.

(j) Newfoundland

In Newfoundland the statutes are (a) the Newfoundland Teachers' Association Act which establishes the Association's powers and its membership requirements; and (b) the Education Act which defines the duties and powers of both the school boards and the teachers.

C. EDUCATIONAL FINANCING

1. General

A major factor influencing the relation of the parties is the method of financing education in the various provinces. At one time educational

finance was primarily the responsibility of the local district or municipality with the result that the total cost of education was financed by local property owners. Under such a system, educational facilities varied significantly from one area to another within the province depending on the local tax revenue available. As educational costs increased the variations in local facilities became more pronounced. Thus the provincial governments were forced to become more involved in the financing of education.

Most provinces have attempted to standardize educational opportunities within the province by standardizing educational facilities in all school jurisdictions regardless of the tax revenue produced in that jurisdiction. To do this, most provinces have established an equalization plan which distributes provincial tax money to school jurisdictions on the basis of such factors as the number of pupils and the number of teachers, rather than on the basis of ability to pay. Thus rural school jurisdictions have the basic funds available for providing similar educational facilities as the urban centres. Under all of these "foundation" or "grant" programs, school jurisdictions may obtain additional funds by levying additional taxes on the property owners and thus provide better than average facilities in their schools. Therefore, while the equalization program provides the funds required for basic educational facilities, there is nothing to prevent the wealthier jurisdictions from providing extra facilities (or pay higher salaries) by levying a supplemental tax. This general approach to educational finance is followed in British Columbia, Alberta, Saskatchewan, Manitoba and Ontario. School jurisdictions in these provinces generally freely utilize supplementary taxes. Nova Scotia and Prince Edward Island, on the other hand utilize an equalization formula but supplementary taxes are seldom used in these provinces.

The approach towards educational finance in Newfoundland, New Brunswick and Quebec is somewhat different from the other provinces. In these provinces 5/ the provincial government assumes full responsibility for the financing of education which means that the entire cost of teacher salaries comes out of the provinces' general funds. In all three cases the provincial government has established a province-wide salary scale for teachers. Increases in this scale are determined by the provincial government after discussions with the teachers' associations in Newfoundland and through negotiation between the teachers' associations and the provincial governments in Quebec and New Brunswick. 6/

The provincial governments appear to be more concerned and have become more directly involved in educational matters in recent years. For example, the government in New Brunswick recently assumed full responsibility for education and the government of Quebec has become a party at the bargaining table. In addition, a few of the other provincial governments have become more involved behind the scene and have indicated a desire to become more directly involved. This trend is not due simply to a desire to become involved but rather the result of the increasing financial burden of education upon the provincial governments. For example, in 1956 the average proportion of the provincial government's gross general expenditure spent on education was 19%, and by 1964-65 this had increased to 29%. 7/

The actual proportion of gross general expenditure spent on education by each provincial government in 1966 was, 8/

Newfoundland	32%	Ontario	42%
Prince Edward Island	22%	Manitoba	32%
Nova Scotia	31%	Saskatchewan	25%
New Brunswick	18%	Alberta	40%
Quebec	28%	British Columbia	28%

A number of provincial government officials interviewed indicated that, in their opinion, these educational expenditures represented too large a proportion of the governments' general revenue for the government not to have any direct control over the determination of the costs involved.

With teachers' salaries making up the largest single school board cost item and with these salaries being a "controllable" cost, it is felt that most provincial governments will want to exercise some control or influence in the determination of teachers' salaries. It becomes obvious that as educational costs (including teacher salaries) increase, it is only natural that "he who pays the piper" is going to want to have some control over the cost of the tune being played. At the present, however, only the governments of Newfoundland, New Brunswick, Quebec and Prince Edward Island are directly involved in teacher salary determination.

An indication of the importance of teachers' salaries in the overall school budget may be gained by noting that teachers' salaries represented an average of 69% of Canadian public school board operating costs and 58% of their total current expenditures in 1965. By province this was as follows:9/

	<u>1965 Teachers' Salaries as a Percentage of</u>		<u>Percentage Increase 1958 to 1965</u>		<u>1965 Teachers' Salaries Per Pupil (Average Daily Attendance)</u>
	<u>Current Operating Costs</u>	<u>Total Current Expenditure</u>	<u>Teachers' Salaries</u>	<u>Total Current Revenue</u>	
Nfld.	75.0	65.0	201	195	\$ 129
P.E.I.	68.1	58.6	234	269	179
N.S.	74.0	63.1	198	201	209
N.B.	73.2	64.5	191	188	192
Que.	75.0	61.8	376	320	323
Ont.	65.9	56.6	220	220	318

	<u>1965 Teachers' Salaries as a Percentage of</u>		<u>Percentage Increase 1958 to 1965</u>		<u>1965 Teachers' Salaries Per Pupil (Average Daily Attendance</u> \$
	<u>Current Operating Costs</u>	<u>Total Current Expenditure</u>	<u>Teachers' Salaries</u>	<u>Total Current Revenue</u>	
Man.	67.0	57.0	199	212	272
Sask.	64.1	55.4	178	176	274
Alta.	68.1	58.2	231	177	310
B.C.	<u>66.9</u>	<u>57.1</u>	<u>206</u>	<u>203</u>	<u>332</u>
Canada	69.3	57.9	246	230	296

Thus in 1965 the people of the provinces of Alberta and British Columbia spent in excess of \$300 on teachers' salaries for every student in the school system as compared to less than \$210 in each of the Maritime provinces; whereas Newfoundland spent only \$121. These figures reflect the relative differences in (a) level of salary scales; (b) experience and education of the teaching force; and (c) the average class size in each province.

It should also be noted that since 1958 teachers' salaries have increased faster than have current revenues in all provinces except Prince Edward Island, Nova Scotia, Ontario and Manitoba. The most notable province is Alberta where teachers' salaries increased by 231 percent since 1958 as compared to an increase of only 177 percent in current revenue.

2. The Financial Structure

(a) British Columbia

As in most provinces, education in British Columbia is financed from both provincial and municipal revenues. Under the present cost equalization formula, each school district receives a basic or operating grant and a

capital grant from the provincial government. All school districts raise additional funds through supplementary local taxes, the amounts of which are dependent on the municipality's ability to pay. While the equalization formula may not completely standardize educational finances throughout the province it does ensure that all areas are able to provide at least the standard educational facilities.

The level of the grants established in any year is determined by the actual costs incurred during the previous year. For example, the level of standard cost allowed for all school districts throughout the province in 1968 approximates, as closely as possible, the level of actual costs for 1967. School boards must finance any increases in 1968 entirely from local sources.

A 1968 amendment to the Public Schools Act (Bill 86) made school boards taxing authorities in their own rights enabling them rather than the municipal council to determine the education mill rate. This amendment establishes a "basic" instruction unit (30 pupils in elementary and 20 in secondary schools) and the provincial grant received by a school board is based upon the number of "instructional units" in the school district. The school board is free to determine how the money is to be spent, but is responsible for raising any funds required above the amount provided by this basic grant.

(b) Alberta

In 1961 a School Foundation Program was introduced in Alberta. Under this Program every municipality contributes annually to the fund an amount related to its property assessment. 10/ These amounts together with a contribution from general provincial funds, form the fund out of which

school boards receive the bulk of their revenue. The school board may raise additional funds if they desire through supplementary assessments on property in the municipality.

Payments to school boards out of this fund are based upon a formula and directed toward the payment for:

(1) instruction, (2) transportation and maintenance of pupils, (3) administration, (4) debt retirement, and (5) capital expenditures.

(c) Saskatchewan

In Saskatchewan, school boards are required to determine their revenue requirements and draw up a budget for the coming year. The amounts in this budget in excess of expected provincial grants must be raised by supplementary property taxes. The school board itself does not levy or collect these taxes, but simply establishes the tax rate and the municipal council acts as the taxing and collecting agency for the school board.

As in the other Western provinces, the Government has established a formula for determining the amount of funds it provides to each school jurisdiction. This formula provides an "operating grant", a "capital building and repair grant" plus grants covering pupil transportation, adult and vocational training, libraries, etc.

(d) Manitoba

In 1967, Manitoba introduced a new Education and Finance Programme which covered 100 percent of the costs of the "standard" system of primary and secondary education in the province. This program was designed to shift the costs of education from local to provincial funds, so that 65

percent of these costs now come from provincial funds and 35 percent from local taxes on real property.

The "instructional" grant made to a school district is based upon the number of "authorized" teachers employed (determined by dividing the student enrollment by 23 for elementary and 28 for secondary schools). This grant, covers between \$3,700 and \$12,000 of a teacher's salary depending on his qualifications. In addition, grants are made towards capital expenditure, administration, pupil transportation, textbooks, etc. This program is designed to cover 100 percent of the operating and approved building costs of many school systems in the province. School boards may, however, provide additional education services by levying a special assessment of up to 15 mills (compared to the basic levy of 9 mills on farms and residential property).

(e) Ontario

The Ontario Foundation Tax Plan provides a system of grants to elementary and secondary school boards in Ontario. It gives each board a "Basic Tax Relief Grant" based on pupil attendance, and also covers a fixed percentage of certain specified costs. In addition there is an "Equalization Grant" which, along with a standard contribution from each school board, provides a standard level of education services in each district. There is also a "Growth Need Grant" to assist boards in areas where capital expenditures are higher than the provincial average. The "Stimulation Grant" encourages boards to provide services beyond the essential minimum and finally the "Attendance Growth Grant" pays \$200 per pupil of estimated average daily attendance in the current year in excess of 105 percent in

elementary and 110 percent in secondary schools) the preceding year's average daily attendance. This grant is designed to assist boards in the rapidly expanding areas of the province.

(f) Quebec

The Quebec education system is currently in a state of transition. The responsibility for many of the education problems is being shifted from the municipal to the provincial level. For example, the establishment of teachers' salaries is now a provincial responsibility. Under the present state of affairs it is difficult to indicate the nature of the emerging education financing system in Quebec. However it should be noted that in Quebec there are both fiscally independent and fiscally dependent school boards. The Montreal school boards, for example, have been fiscally independent and have not received any grants from the provincial Government. All of the other school boards in the province operate with a deficit and therefore receive grants from the Government. It should also be noted that the Protestant and the Catholic tax rates are independently established and may be significantly different.

(g) New Brunswick

Legislation enacted in January 1967 brought basic changes in the administration of education in New Brunswick. At this time the province assumed full responsibility for the provision of elementary and secondary schooling, paying all costs but delegating the administration of expenditures to trustee boards of the 33 new and larger school districts. "All costs" refers to the provision of basic curricula, the payment of teachers salaries, and capital and other expenditures associated with the basic

program. The Province now assesses and collects all taxes on property under a uniform provincial system. The basic education tax on real property is \$1.50 per \$100 of assessment (market value). Extra-curricular facilities not furnished by the provincial government may be provided by the school board through a "supplementary programme" paid for by supplementary taxes on real and business property in the district.

(h) Nova Scotia

Local funds for education are provided by the municipality, town or city by levies on taxable real and personal property. This tax covers the net requirement of the school board after provincial grants and other revenues accruing directly to the board are deducted. The provincial grant is designed to cover a percentage of the approved costs under the foundation program. School boards may provide services at costs in excess of the foundation rates or services in addition to those prescribed, provided these additional costs are borne entirely by the school board.

(i) Prince Edward Island

The financing of schools in Prince Edward Island resembles that of Newfoundland in that the provincial government provides most of the funds for teachers' salaries, and it resembles Quebec in that these are the only two provinces in which the trustees actually levy and collect taxes.

Local revenue sources consist of a poll tax and a real property tax. A poll tax of between \$5 and \$50 is levied on all residents 21 years of age and over who are assessed for real property or who are between 21 and 65 years of age and maintain a domestic establishment in the school district. All remaining local revenue required is raised through a levy on real

property. The provincial Government provides grants to apply to teachers' salaries and to the operating costs, maintenance, and capital requirements of the school system.

(j) Newfoundland

In Newfoundland student fees may be charged by any school board and funds may be raised through voluntary subscription. Most school boards charge fees (which may vary from as little as \$0.50 to as much as \$10.00 a month per child) and impose a levy on real property, and/or on all adults who earn more than \$600 annually and live or work within the school district.

The Government provides maintenance, equipment and supply grants which vary according to the number of classrooms and student enrollment. To qualify for these grants the school board itself must raise an amount equal to at least 25% of the grant. The Government also makes grants towards the capital cost of school land and buildings but once again the school board must provide 30% of the cost of regional high schools and 40% of all others.

3. Implications of Financial Structure
For Salary Determination

Alfred Marshall pointed out that the four factors affecting the elasticity of derived demand are:

- (1) essentiality of the labor factor to production,
- (2) ratio of wage costs to total cost,
- (3) elasticity of demand for product, and
- (4) elasticity of supply of other factor inputs.

Thus, if the labour input is essential to production, if wages represent a small proportion of total costs, if the demand for the final product is

inelastic and if the supply of other factor inputs is inelastic then the elasticity of the demand for labour will also be inelastic. In such cases wages may be driven upward with little or no effect on the demand for labour.

In the public school situation the labour factor is essential, the demand for the product is practically inelastic, the supply of other factor inputs is highly inelastic but teachers' salaries represent 58% of the school boards' total current expenditures. As a result, the elasticity of derived demand for teachers is highly inelastic so that it is possible to force the level of teachers' salaries upward with little effect on the demand for teachers. However, every dollar increase in total teachers' salaries increases total operating expenditures by \$1.72. Therefore a change in the level of teachers' salaries has a direct and substantial impact on total education expenditures. Depending on the ratio of teachers' salaries to total education expenditures, a change in teachers' salaries will push education expenditures closer to the limits established by its ability to pay faster in some provinces than in others. This ratio will also determine how directly taxpayers feel the results of teachers' salary increases.

The source of school board revenue should also affect the location of final authority for the approval of teacher salary increases. It would be expected that in provinces, such as Newfoundland, where a large proportion of school board revenue comes from the provincial treasury, the provincial government will want to exercise substantial influence over teacher salary decisions. The source of funds also determines the extent to which local taxpayers feel the impact of a teachers' salary increase. If the school board is heavily financed from taxes on local property then

these taxpayers will feel the effect of the teachers' salary increase much more than where financing is primarily out of provincial sales and income tax revenue.

With the absolute and relative increases in the education burden being carried by the provincial governments, a number of them are starting to assume a more direct role in the determination of teachers' salaries. For example, the government in New Brunswick recently assumed full responsibility for education and the government of Quebec became a party at the bargaining table. In addition, a few of the other governments have become more involved behind the scene and have made overtures towards becoming directly involved. This trend is not the result of a simple desire to become involved, but is a direct result of the increasing financial burden that education is placing on provincial funds. They want to have a say in the expenditure that is consuming one-third of their net general revenue. It is only natural that attention has been focused primarily upon teachers' salaries since these salaries represent a controllable cost which accounts for 70 percent of the school boards' operating costs. Thus, another implication of school board finances for collective bargaining is that there will be more provincial government involvement with perhaps more pressure towards provincial or regional salary structures. It will be only natural that "he who pays the piper" is going to want to have some control over the cost of the tune being played. At the present time, however, only the governments of Newfoundland, New Brunswick, Quebec and Prince Edward Island are directly involved in teacher salary determination.

D. THE GOVERNMENT AND THIRD PARTIES

One of the major differences that exists between the teacher-trustee industrial relations systems in the various provinces is the degree of government and third party involvement. This involvement ranges all the way from unilateral determination of teachers' salaries by the government in Newfoundland to no third party involvement whatsoever in Ontario. At one point it was felt that perhaps there was a relation between government involvement and the proportion of educational costs borne by the municipal government. It is **now** felt that such a generalization cannot be made despite the fact that there is a growing trend towards more government involvement at the same time that educational costs are rapidly rising.

In some of the provincial teachers' associations there is a strong desire to keep the government's involvement to a minimum. This attitude is particularly **noticeable in Ontario**, but also exists within the Provincial Association of Protestant Teachers in Quebec and to some degree in the association in Manitoba, Saskatchewan and British Columbia. One reason advanced for the development of this attitude is the feeling that the more the governments become involved, the more influence they will have over salary and other matters with the result that teachers may, in essence, eventually become a part of the civil service—a development which would be strongly resisted by the teachers. Trustees (in all provinces except Ontario), on the other hand, generally favour more government involvement in teacher salary determination. Many trustees view negotiations as a distasteful process and would like to hand the whole "mess" over to the government. Many governments themselves wish to take a more active role in teacher salary determinations since education is consuming one-third of their net general revenue.

The degree of direct government involvement varies. They are either a party to the negotiations or unilaterally establish salaries in Newfoundland, Prince Edward Island, 11/ New Brunswick and Quebec. In Nova Scotia and Saskatchewan the government is only involved in the appointment of conciliators and sometimes the Minister or Deputy Minister of Education may mediate if necessary. In both Manitoba and Alberta Department of Labour conciliators become involved in all disputes not settled at the local level and in Alberta the Deputy Minister of Labour often mediates the more serious disputes. It is technically possible for the Minister of Education in Manitoba to influence settlements since he has the power to direct arbitration boards to reconsider any portion of its award. The government in British Columbia has not been involved in negotiations except that the parties have requested the services of a Department of Labour Conciliation Officer on a number of occasions in recent years.

Third parties representing the public and who are not employees of the government become involved in negotiations as conciliators in British Columbia, Alberta, Saskatchewan and Nova Scotia, and as arbitrators in British Columbia and Manitoba. There is a form of third party involvement in Ontario but it only involves other teachers and trustees who act as mediators in what they call the "conference settlement" stage. 12/ There is no provision for third party involvement in the provincial negotiations in Quebec or in the establishment of salary scales in New Brunswick, 13/ Prince Edward Island and Newfoundland.

The foregoing referred only to direct government and third party involvement. There is considerable indirect government influence in all provinces. The mere size and nature of the government's equalization

payments themselves influence negotiations and in addition there are often behind the scenes telephone calls and informal meetings with the Department of Education during negotiations. Thus the government either (a) unilaterally determines teachers' salaries, (b) is an active third party to the negotiations, or (c) is an indirect third party to the negotiations. However in all provinces the government exerts a strong influence on the teacher salary determination process.

E. ORIGIN AND PRESENT STRUCTURE OF TEACHERS' ASSOCIATIONS

1. Educational Associations

With the responsibility for education resting in the hands of the provincial governments it has been only natural that teachers' organizations also developed on a provincial basis. In Canada, the first organization of any type in the educational field dates back to the early 1850's when the Ontario Educational Association was formed. This Association was the forerunner of others (generally called institutes) which subsequently developed in each province prior to the turn of the century.

These institutes were, for the most part, organized and sponsored by the officials of the provincial departments of education and served the purpose of (a) general in-service training (since the majority of teachers at that time had little or no professional training), (b) providing an opportunity for people from all walks of life to meet annually and discuss common education problems, and (c) providing a forum for the Ministers of Education to make public pronouncements. Membership in these institutes was open and generally included officials of the provincial government, members of school boards, representatives of home and school groups,

university personnel as well as teachers. Teachers appeared to play a relatively minor role in these institutes, since the records show that the presidents and executives were generally Department of Education officials, university personnel or distinguished laymen.

Some educational historians, such as C.E. Phillips 14/, trace the origin of our present day teachers' associations back to these early institutes. While it is true that a few of these organizations, such as the Ontario Educational Association, still exist, they do not now and never did fulfill the role of teachers' associations as we know them today. The basic difference is that the educational institutes consisted of interested people who gathered annually to discuss broad "educational" issues. One might conclude that those at these institutes were motivated by the "inspirational" aspects of education (by speeches on subjects such as "The Nobility of the Teaching Profession") 15/ rather than by the practical, occupational and professional problems of the teachers. Teachers' associations, on the other hand, are composed of professionally oriented teachers who, throughout the year, actively pursue solutions to their economic, teaching and educational problems. Although many of the teachers' associations developed within, and broke away from, these provincial institutes, it is not realistic to attribute the origin of today's teachers' professional associations to these institutes.

It was not until World War I that Canadian teachers developed associations under their own control and specifically devised to meet their occupational needs. Before this time teachers appeared content to look to department of education officials, heads of universities and prominent laymen for organizational leadership. Some teachers naturally felt restricted

by such organizations but there is little evidence to suggest that these institutes deigned to discuss such matters as salaries, pensions and the low status of teachers and even less evidence to indicate that effective action was ever taken. The First World War changed all this as it brought the teachers' dissatisfactions to a head and forced teachers to break away from the institutes and form their own professional associations.

2. Teachers' Associations

Educational historians have documented the dissatisfaction within the teachers' ranks shortly after the turn of the century. The records in each province show an increase in the number of occupational items appearing on institute agendas during this period. As teachers found that little or no action was being taken regarding their problems they began to form separate organizations of their own. Most of these original groups developed as either teacher benevolent societies or as occupational organizations patterned after the British Teachers' Union.

Initially a number of separate groups of teachers were formed within some provinces, however many of them soon faded out of existence or merged to form stronger provincial organizations. The result is that in Canada today there are sixteen provincial teachers' associations, all but one of which is affiliated (either directly or indirectly) with the Canadian Teachers' Federation 16/. There is one provincial association in each province except Quebec and Ontario. (In Quebec there is a Protestant association and both an English and a French Catholic association while in Ontario there are five separate provincial associations all affiliated with the Ontario Teachers' Federation). Ten of these provincial associations were formed and two reorganized between 1914 and 1920, while the remaining

four Catholic teachers associations were not organized until the late 1930's and early 1940's. The development of these associations was as follows.

(a) British Columbia

(i) Origin

A teachers' institute was formed in British Columbia as early as 1874 but was dominated by the officials of the provincial Department of Education. An occupational teachers' association called the British Columbia Teachers' Federation was organized in 1917 and incorporated under the Benevolent Societies Act. The Federation remained a loose affiliation of local teachers' associations until 1940 when its constitution was amended so that all teachers owed their primary allegiance to the Federation rather than to a local association. This resulted in the Federation changing from a somewhat ineffective "federation" of autonomous associations to a strong "association" of individual teachers.

(ii) Present Structure

As a result of a 1947 amendment to the Schools Act all teachers are automatically members of the Federation and as such also members of a local association. Each local association is represented in a District Council which is responsible for matters affecting teachers throughout a geographical area (e.g. the Okanagan Valley), and for co-ordinating the activities of the local associations in the area. Each District Council is represented at the provincial Representative Assembly. This Assembly is the governing body of the Federation and is made up of 45 Geographical Representatives from the District Councils and the eleven (non-voting) members of the Executive Committee. The sovereign policy making body of the Federation

is the Annual General Meeting. It is made up of the Representative Assembly and delegates appointed by each local association. The voting strength of each local association is determined by its membership size. The Annual General Meeting determines the policies of the Federation by approving or disapproving proposals submitted to it by local associations, standing committees, the Executive Committee or the Representative Assembly.

In addition to the representative structure of the Federation there is the Federation's head office administrative staff. An indication of the Federation's emphasis is gained by looking at the activities performed by its head office staff. These are, 17/ (a) General Administration (three persons), (b) Economic Welfare (three persons), (c) Communications (three persons) and Professional development (five persons).

(iii) Membership Status

There are six membership classifications in the Federation. These are Active, Associate, Honorary Associate, Honorary, Honorary Life and Student. The Active members include all teachers employed in the public schools in British Columbia and only active members may vote or hold executive office. As a move toward professional recognition and an attempt to encourage teachers to improve their qualifications, the Federation also classifies teachers as "professional teachers", "teachers" or "probationary teachers". Only degree-holding teachers with at least two years of teaching experience are classified as "professional teachers".

(iv) Federation Participation in Salary Negotiations

In British Columbia the local association of the Federation is responsible for bargaining with local school boards. Each local has an

"Agreement Committee" which prepares and negotiates amendments to the agreement with the school board. If a dispute is referred to arbitration the Federation's administrative staff prepares the brief and most of the exhibits. The Federation's staff refuses to participate directly in local negotiations and only presents the arbitration case if requested to do so by the local—which happens about 75 percent of the time.

The Federation has a "Provincial Agreements Committee" (composed of 12 regional representatives) which assists and co-ordinates the local negotiating committees. This Committee conducts negotiators' training sessions each year designed to acquaint local negotiators with bargaining strategy and tactics. Thus while the Federation's head office staff is not active at the local level, these Committee members are. The Federation's head office itself only assists local negotiators by (a) supplying them with statistical data, (b) keeping them informed as to the settlement trends, (c) holding regional strategy meetings, and (d) providing assistance and counsel when requested.

(v) Code of Ethics

The Federation's Code of Ethics governs the professional conduct of its members. This Code limits the teacher's activity in his relations with his employer by requiring that the teacher, in part, shall,

... honor his contract with the School Board as prescribed in the Public Schools Act ...,

... not apply for or accept a position arising from ... an unresolved dispute,

... not accept offers or pay higher or lower than called for in the agreement ...,

... refrain from making damaging charges against a local association, the Federation, or their officers ... and,

... refrain from making individual representations to the Board of School Trustees ... or other bodies regarding any matters that are properly to be dealt with by ... the Federation. 18/

(vi) Federation's Control over Teachers

The Executive Committee of the Federation has the power to refuse membership, terminate membership or suspend membership of teachers who, in the opinion of the Executive Committee, are guilty of conduct inimical or prejudicial to the Federation. Such teachers, according to the Public Schools Act, may not teach in the Province.

Thus the Federation has the power to exercise adequate disciplinary control over its members. Although I inquired into the types of offenses for which discipline is exercised I was unable to obtain any data. Of course, any teacher who violates the Code of Ethics is subject to disciplinary action but it is not known if such action has ever been taken against a teacher for violating the salary policy of the Federation.

(b) Alberta

(i) Origin

One of the earliest educational associations in the Prairie region was the Alberta Educational Association. The Alberta teachers broke away from this Association in 1918 and formed the Alberta Teachers' Alliance (now the Alberta Teachers' Association) which was, from its start, a vocal and aggressive organization. The formation of the Alliance was opposed by many educationalists (an opposition led by the Minister of Education). The

Alliance reacted to this opposition by hiring a professional organizer who enrolled over one-half of the teachers in the Province by 1919. An indication of the aggressiveness of the Alliance is shown in the policies and objectives established in 1924 which included collective bargaining, improved contracts, tenure protection, grievance procedure, statutory sick leave, a code of ethics, a pension plan and other items. The Association adhered to and pursued these objectives until each was met.

(ii) Present Structure

All teachers in the Province are required by law to be members of the Association and as such are members of one of the 72 local associations. Each local elects a representative to the policy-making Annual Representative Assembly. This Assembly, of about 300 representatives, is responsible for developing Association policy based upon resolutions presented to it by local associations. The Executive Council of the Assembly is also the Executive Council of the Association. There is also a Committee of District Representatives from each of the 10 districts in the Province which is responsible for instituting the policies authorized by the Assembly.

The head office staff (the Executive Secretary and nine professional staff members) are responsible for assisting the elected Executive Council in the administration of the Association. The time of these 10 professional staff members is allocated to (a) general administration - 30 percent, (b) economic welfare - 20 percent, (c) communications - 10 percent, and (d) other - 30 percent. 19/

(iii) Membership Status

Membership in the Association may be either Active, Associate, Life,

Honorary or Student. Only teachers (other than the superintendent) who are employed by school boards may be active members. Superintendents, teachers employed by the Department of Education, private school and retired teachers may be Associate members only. Both Active and Associate members may vote and hold office in the Association but only Active members are subject to the Association's disciplinary powers. Thus technically the Association could be lead by teachers employed as superintendents or by the Department of Education who are not subject to Association discipline.

(iv) Association's Participation in Salary Determination

Under the Alberta Labour Act, the Association is the official bargaining agent for the teachers in the Province. The by-laws of the Association allow Association locals to bargain with school board on behalf of the provincial Association. Thus bargaining is done by a local committee unless the local teachers vote to have the provincial Association bargain on their behalf. However the local teachers must still ratify all agreements. In all cases the provincial Association takes over negotiations at the conciliation stage. In addition to the direct assistance provided by the head office staff, the Association publishes economic bulletins, collective bargaining reports and the ATA Economic Handbook, all of which are designed to assist local negotiators. Finally the Association conducts about seven "briefing" schools and negotiation conferences in each area of the Province each year. 20/

(v) Association's Control over Teachers

The Teaching Profession Act requires that all teachers in the Province be active members of the Association. This Act also establishes

the Association's disciplinary committee for investigating charges of unprofessional and unethical conduct. Upon the recommendations of this committee the Association's Executive Council may expel or suspend teachers from the Association or recommend that the Minister of Education suspend or cancel the individual's teaching certificate. 21/

The Association's Code of Ethics stipulates:

Excessive or flagrant violation of the Standards of Professional Conduct by any member of the Association may also lead to discipline charges being laid against that member. 22/

Thus to avoid discipline charges a teacher must:

... not accept a position with an employer whose relations with the professional organization are unsatisfactory without first clearing through head office of the Alberta Teachers' Association,

... not accept without protest assignment of duties nor the existence of working conditions which make it difficult or impossible to render professional services,

... submit to the Association all disputes arising from professional relationship with colleagues ...,

... accept as a professional obligation service to the Association at the local and provincial levels. 23/

The ATA Handbook states that a violation of either the Code or the Standards is unprofessional and unethical behaviour and cause for disciplinary procedures under the Act. Since Association membership is required in order to teach in the Province, the Association has considerable power over its members. It is difficult to determine how extensively these powers have been used but it is probable that they have been used sparingly since the Association reports that the membership of only five teachers has been

terminated or suspended over the past six years. I was unable to discover the extent to which any of the other disciplinary powers of the Association have been invoked.

(c) Saskatchewan

(i) Origin

In 1907, just two years after Saskatchewan became a province, a broad based educational association was formed. In 1914, however, after the Minister of Education rejected the teachers' grievance concerning tenure, salary and pensions, the teachers rebelled and formed the Saskatchewan Union of Teachers. This was a weak occupational association which changed its name to the Saskatchewan Teachers' Alliance in 1919. It was not until the three existing groups (the Saskatchewan Educational Association, the Saskatchewan Teachers' Alliance and the Saskatchewan Rural Teachers' Association) merged in 1934 that a powerful association (the Saskatchewan Teachers' Federation) was established.

(ii) Present Structure

The Saskatchewan Teachers' Federation is a federation of 72 locals which are geographically identical to the school jurisdictions in the Province. Each local of the Federation elects Councillors to the provincial Federation Council which is the legislative body of the Federation. Some Council members also serve on the Executive Committee which makes operational decisions within the framework of the policy established by the Council. There are also ten full-time administrative staff members who carry out the day-to-day business of the Federation. It is estimated that the allocation of the time of these staff members is (a) general administration — 10

percent, (b) economic welfare - 40 percent, (c) communication - 10 percent and (d) professional development - 40 percent.

(iii) Membership Status

The Teaching Profession Act requires that all those employed as teachers in the Province must, as a condition of employment, be members of the Federation. Thus in addition to classroom teachers, substitute teachers, vocational teachers, principals, vice-principals, assistant superintendents and full-time councillors must all be Active members of the Federation.

(iv) Federation's Participation in Salary Negotiations

Prior to 1968, negotiations in Saskatchewan were conducted at the local level. At that time Federation staff members were not usually involved in negotiations although they were often named to the bargaining committee. The degree of Federation staff member involvement at the local level has been increasing in recent years. In addition to direct participation, the Federation Staff answers queries and offers information to local bargaining committees during negotiations and brings all local negotiators together each year to train them in negotiating procedures and techniques. In addition, regional meetings of local negotiators are held during the period of negotiations. The Federation staff prepares and presents all conciliation cases if a dispute goes beyond the local level. Since 1968 negotiations are now conducted on an Area-wide basis. As a result the Federation is considerably more involved in all stages of negotiations.

(v) Federation's Control over Teachers

The Federation has a five member discipline committee which is responsible for investigating charges or complaints of professional

misconduct. After this investigation the Federation's Executive may discipline the teacher according to the discipline committee's recommendation. If this discipline requires the suspension or cancellation of the teacher's certificate, such action must be recommended to the Minister of Education who has always accepted the Association's recommendation.

In the past six year period, there have been a number of cases referred to the discipline committee but suspension or cancellation of a teaching certificate has only been recommended on five occasions. In each of these instances the Minister has acted accordingly. It is significant to this study that the Federation has disciplined teachers, in the form of a "reprimand", for accepting employment with "in-dispute" school boards.

(d) Manitoba

(i) Origin

An educational association was formed in Manitoba in 1907 but again it was not an occupational association of the teachers. It was not until 1919 that an occupational association, the Manitoba Teachers' Federation, was formed. This was a small but well organized and united Federation from its start. By 1924 it had grown large enough to appoint its first General Secretary and a milestone was reached in 1942 when its name was changed to the Manitoba Teachers' Society and automatic (but not compulsory) membership was granted to it by the legislature.

(ii) Present Organization

The Society is not a federation of local organizations but is rather a provincial organization which is sub-divided into 48 divisions referred

to as electoral units of the Society. These divisions carry on the activities of the Society at the local level. Unlike the associations in the other provinces, representation on the Society's Provincial Executive is not on a regional basis. Instead every member on the Executive represents the entire province. However the Provincial Council is the actual governing body of the Society and while the Provincial Council is the actual governing body of the Society and while the Provincial Executive gives strong leadership to the organization, the Society is still a "grass-roots" organization.

The Society has divided the Province into electoral units with the same boundaries as the school divisions established by the Department of Education. A Division Association is organized in each of the units and each Division is represented on the Provincial Council on the basis of membership size. The Provincial Council exercises all of the powers of the Society and passes, repeals and amends its by-laws, rules and regulations. The Provincial Executive is elected by Council delegates who are in turn elected, so the selection of the Executive is not made directly from the divisions. The Executive is charged with the administration of the Society.

There are also seven full-time professional staff members employed by the Society. The activities of these professionals may be divided into:

- (a) general administration - 20 percent,
- (b) economic welfare - 40 percent,
- (c) communications and public relations - 20 percent and
- (d) professional development - 20 percent

(iii) Membership Status

The Act provides that every person who obtains a certificate to teach in the Province and is employed as a teacher in a public school is

automatically an Active member of the Society. However membership is not compulsory and any teacher may, within 60 days after receiving his certificate or before the first of July in any year, opt-out of the Society. Such election must be made by the teacher each and every year.

Students, unemployed teachers and teachers in private schools may be Associate members of the Society. Associate members have the same rights and are subject to the same restrictions as Active members except that they cannot be elected to the Provincial Council or to the Provincial Executive.

(iv) Society's Participation in Salary Negotiations

A Provincial Salary Committee, aided by senior members of the Society's staff, assists local negotiators by training them in the art of bargaining, supplying them with information about salary and economic trends and holding regular strategy meetings with them. However the actual bargaining is done by the local negotiators. Members of the head office staff only become directly involved when a dispute goes to either conciliation or arbitration.

(v) Society's Control over Teachers.

The Provincial Council provides for the enforcement of the Society's by-laws and imposes penalties for any infractions. The Provincial Executive investigates all complaints regarding the professional conduct of any teacher and makes the necessary disciplinary recommendations to the Minister of Education. The Society has not had the occasion to terminate or suspend membership of a teacher for over the past five years.

(e) Ontario

(i) Origin

The five teachers' organizations in Ontario became affiliated under the name of the Ontario Teachers' Federation with the passing of the Teaching Profession Act in 1944. These associations are separated on a male-female, public-secondary, Catholic-Protestant and English-French basis. It should be mentioned that although these associations are affiliated to the Ontario Teachers' Federation that each is an autonomous body operating under its own constitution and handling all matters affecting its members. The Ontario Teachers' Federation is an overall professional Association which represents all teachers in the Province to the Department of Education and other outside bodies. Therefore each teacher in Ontario is a member of the Ontario Teachers' Federation as required by the Teaching Profession Act and is also a member of one of the five affiliated teachers' associations.

It may surprise some to learn that the oldest association in Ontario is the Federation of Women Teachers' Association which was formed by the public (elementary) school female teachers in 1918 at a time when it was common to pay lower salaries to women than to men. It developed almost as part of the suffragette movement, and was strongly supported by the female public teachers in the Province. This support and enthusiasm still exists today. The male counterpart in the public school system is the Ontario Public School Men Teachers' Federation which was organized in 1920. Both the male and female teachers in the secondary school system were organized in 1919 when the Ontario Secondary School Teachers' Federation was formed. This Federation had a very difficult beginning but once organized it developed from a group of interested teachers meeting in secrecy, fearful of school

board reprisal to a very strong and militant Federation. The French-speaking and the English-speaking Catholic teachers' associations (L'Association des Enseignants Franco-Ontariens and the Ontario English Catholic Teachers' Association) were formed in 1939 and 1944 respectively to promote the special interests of the French and English speaking Catholic teachers in the Province.

(ii) Present Organization

In 1944, immediately following the passing of the Teaching Profession Act, representatives were elected by the teachers' associations to meet and organize the federation. They decreed that the five affiliates should retain their individual autonomy within the Federation, operate under their own constitution and all be represented on the governing body of the Federation (the Board of Governors). This 40 member Board deals with matters affecting all teachers in the Province. All policies must be approved by all the affiliates before they may be established by the Board. Therefore each affiliate has effective veto power over any resolution brought before the Board. The Board is also responsible for establishing regulations concerning professional conduct, disciplinary action, etc. The administration and operation of the Federation is performed by the elected Executives, the Federation's professional staff and the Standing Committees.

Each affiliate is organized on a provincial basis and has its own board of directors, executive and provincial staff. The local, regional and provincial bodies of the teachers are all part of the affiliate organization and the affiliate in turn is part of the Federation. This point is sometimes confused since all teachers must be members of the Federation which in turn automatically makes them members of one of the affiliates.

(iii) Federation's Participation in Negotiations

Collective bargaining is not a basic concern of the Federation but is the direct responsibility of the affiliates. The Federation's policy concerning negotiations is that the Federation becomes involved in a dispute only if requested by the affiliate and that this involvement will only be in a conciliatory capacity. The Federation therefore never takes part in bargaining as such.

Each of the five affiliates has its own provincial staff who are active in (a) training local negotiators, (b) supplying them with statistical and economic data, and (c) taking over negotiations if requested by the local of the five affiliates. The staff of the Ontario Secondary School Teachers' Federation and the Federation of Women Teachers' Association are more actively involved in bargaining than are the staff of the other provincial affiliates.

(iv) Federation's Control Over Teachers

A Code of Ethics approved by the Federation in 1945 establishes the professional behaviour of teachers in Ontario. Breaches of this Code may be dealt with by one of the affiliates or may be reported to the Relations and Discipline Committee of the Federation. In the case of serious unprofessional conduct this Committee may recommend that the Minister of Education suspend or cancel a member's teaching certificate.

(f) Quebec

There are three major provincial teachers' organizations in Quebec,

- Provincial Association of Protestant Teachers (PAPT) - representing the English speaking Protestant teachers in the Province.

- La corporation des enseignants due Québec (CEQ) - representing the French speaking teachers in the Province. The Corporation changed its name from La Corporation des instituteurs et institutrices catholiques du Québec in August, 1967 24/.

- Provincial Association of Catholic Teachers (PACT) - representing the English speaking Catholic teachers in the Province.

The development and structure of each of these will be dealt with in turn.

(i) Provincial Association of Protestant Teachers

The PAPT was founded in 1864 and incorporated in 1889. It was not until 1916, however, that the teachers themselves gained control of the Association and it developed as an occupational organization. Since 1945 all those employed as teachers in a tax supported school under the jurisdiction of the Protestant Committee are automatically Active members of the Association. A teacher may opt-out of PAPT by notifying the Association and the school board at least six months in advance. The Association has the right to discipline its members and expel or suspend them from the Association. Expelled teachers may continue to teach in the Province although they would not receive any support or service from the Association. Thus the power and control of the teachers' organizations in Quebec over their members is considerably less than that of associations in some of the other provinces.

(ii) La corporation des enseignants due Québec

The CEQ did not begin as a provincial association but was formed when a number of local teachers' associations which were organized during the 1930's merged in 1946 to form the Corporation. The first of these original organizations was a rural female teachers' association formed in

1936. It was followed by its male counterpart and later by separate associations in Montreal and Quebec City.

One of the primary reasons for the slow development of both CEQ and PACT was that during the first half of this Century clerical teachers played a dominant role in the Catholic School system. Clerical membership initially dominated the Catholic teachers' associations, but lay teacher membership increased and since the early 1950's lay teachers have dominated the associations. The teaching brothers and sisters apparently did not feel the need for an occupational association or to join with the lay teachers in any professional association. Their attitude has changed in recent years, however, and many are now members of the Catholic teachers' association.

The Corporation is administered by a Board of Directors which is responsible for its day-to-day operation. In addition there is a Provincial Council which develops the Corporation's by-laws for the approval of the Congress. The Congress is the annual meeting of the provincial delegates from each of the locals.

Every teacher employed by a French Catholic school board is automatically a member of the Corporation. As with the PAPT the teacher may opt-out of this membership. The extent of the Corporation's powers over its members is similar to that of PAPT. The Provincial Council establishes by-laws concerning the maintenance of the honour and dignity of its members and determines which acts are considered derogatory to the profession and warrant discipline. The Corporation may suspend or expel teachers, but again it does not prevent them from teaching in the Province.

(iii) Provincial Association of Catholic Teachers

The English speaking Catholic teachers have been organized on a provincial basis as the Provincial Association of Catholic Teachers since 1952. There were, however, a number of local associations formed prior to this date.

Active members of the Association may include those who are a member of a PACT local or members at large where membership in a local is impossible. Any group of teachers may form a local provided their by-laws do not conflict with those of PACT. Each local elects delegates to represent it at the Annual General Meeting which is the policy-determining body of the Association. The ordinary business of the Association is supervised by an Executive Committee elected by the Association's Board of Directors.

The power of the Association and its control over its members is the same as in the other two associations.

(g) New Brunswick

The New Brunswick Teachers' Association grew out of a broad educational association. Although it was founded in 1902, it was initially a very weak organization and did not begin to function effectively until after 1917. It was granted automatic membership in 1942 when it was finally incorporated. The New Brunswick Teachers' Association is a provincial association with local branches throughout the Province. All policies are established by the Annual General Meeting of voting delegates from the local branches. These delegates elect the officers and the directors of the Association.

All those teaching in the Province must be Active members in the Association. Furthermore any person holding a valid teachers' license and employed full-time by a provincial university, the Association or the Government may be granted Associate membership and receive the same rights and privileges as Active members except that he may not be an officer or an executive member of the Association.

Now that salaries are negotiated at the provincial level in New Brunswick, it is the Association and not the local branches which is directly involved in salary negotiations with the Government as the representative of the teachers of the Province.

(h) Nova Scotia

(i) Origin

A provincial educational association was formed in Nova Scotia in 1880. As it did not satisfy the occupational interests of the teachers, the Nova Scotia Teachers' Union was organized in 1896. This Union developed within the framework of the educational association and therefore an active teachers' occupational organization did not really exist until the Union was revitalized in 1920. It took until 1932 before the Union became incorporated and it was not until 1941 that its constitution and by-laws were finally adopted.

(ii) Present Structure

Teachers in any school jurisdiction may form a local of the Union. Each local elects its own local Executive which is responsible for the administration and government of the local. Each local also elects

representatives to the Union's provincial Council. This Council is the policy-formation body of the Union. Much of the detailed administration of the Union is handled by the Executive and the Executive Secretary.

All those who hold a permanent or interim teaching certificate or license and who are employed in a public school as a teacher are automatically members of the Union unless they have specifically opted-out of the Union. In addition, all those at the university, colleges or normal school who hold a teaching certificate or license may be Associate members but may not be elected to the Council or to any of the permanent committees of the Union.

(iii) Union's Participation in Salary Negotiations

Although the Union is the official bargaining agent for the teachers, most negotiations are conducted at the local level without Union involvement. The Union's staff officers may assist and advise the local and always prepares and presents the conciliation brief on behalf of the locals. In addition the Union provides statistical and economic data to local negotiators and holds regional strategy meetings for them.

(iv) Union's Control over Teachers

The Union's Professional Committee investigates all matters involving professional conduct and reports its findings and recommendations to the Executive. The Executive may suspend or revoke the teacher's Union membership and make such recommendations to the Minister of Education as it sees fit. Such action is not as serious as in some provinces since the teacher may still continue teaching without Union membership. The Union feels that its disciplinary action still has a significant impact on the

teachers since it means a permanent blemish on his record and the permanent denial of any of the Union services.

(1) Prince Edward Island

A provincial teachers' Association was organized in Prince Edward Island in 1880. However its objectives were broad and did not include the occupational objectives of the teachers. The teachers themselves did not achieve an organized voice until this association was eventually replaced by the Prince Edward Island Teachers' Union in 1920 (the term "Union" was replaced by "Federation" when these teachers affiliated with the Canadian Teachers' Federation in 1924). It was not until 1945 that the Federation became a corporate body.

The affairs of the Federation are administered by its Board of Governors composed of elected representatives from each Federation local. The Board, in turn, elects a provincial Executive from amongst its members. This Executive is responsible for the business of the Federation between Board meetings.

All those teaching in a school in the Province and who have not opted-out of membership are Active members of the Federation. In addition, retired teachers, students, superintendents or officials of the Department of Education may be Associate members of the Federation.

The Federation has a Code of Ethics which establishes "acceptable professional conduct". A violation of this Code or any of the Federation's by-laws is cause for disciplinary action. The Board may suspend or expel members but once again expelled teachers may still teach in the province. The Federation has not exercised such disciplinary measures in recent years.

(j) Newfoundland

The Newfoundland Teachers' Association was originally formed in 1890 but it was a very weak organization and did not begin to function effectively until it was revitalized in 1910. The Association is composed of those teaching in the province or attending a teacher training institute and who hold a teaching certificate but who have not opted-out of the Association. There are five membership classifications in the Association — Active, Associate, Life, Student and Honorary.

The Association is divided into Regional Branches, Local Branches and general membership. If there are fewer than ten teachers in a school jurisdiction the teachers may belong directly to the Association without forming a Local Branch. Where there are more than ten teachers a Local Branch is established and a number of Local Branches may combine to form a Regional Branch. The policies of the Association are formulated by its Council which consists of five members representative of the Anglican Church of Canada, five of the Roman Catholic Church, five of the United Church of Canada and one of the Salvation Army.

The Council may reprimand and censure any member or suspend or cancel his membership if he is guilty of unprofessional conduct, negligence, misconduct or if he has been convicted of a criminal offense. Such action does not affect the teacher's ability to teach in the Province.

Each year the Association prepares and presents a brief to the Minister of Education and/or the Cabinet. This brief contains, among other things, its request for increases in salaries. This activity cannot be construed as negotiations but it is the only activity performed by the Association in conjunction with salary determination.

(k) Canadian Teachers' Federation

Mention should also be made of the Canadian Teachers' Association although it does not directly represent member teachers for the purpose of economic and professional development. The Federation was organized in 1920 as a federation of the provincial teachers' associations. During its early years the Federation acted as the nation-wide "voice" of the teachers and advocated collective bargaining, denounced the economic plight of the teachers and recommended substantial salary increases for teachers in all provinces. The Federation continued to perform this rather radical role for a number of years, but as it matured its role changed to one of coordinating information and promoting co-operation amongst its provincial affiliates. The Federation has recently concentrated its attention upon the promotion and development of research in education and the promotion of national workshops and seminars for the professional development of teachers in Canada.

F. BOARDS OF SCHOOL TRUSTEES

Much of the responsibility for educational administration has been delegated by the provincial governments to local boards of school trustees. In all provinces, except Newfoundland, these local authorities are responsible for the day-to-day operation of the schools, including the employment and remuneration of teachers. In Newfoundland teachers sign their contracts with and are paid by the Province. Similarly in New Brunswick the level of teacher remuneration is determined and the funds provided by the Province.

The pattern in the rural and village school districts in Canada is for three trustees to be elected for a three year period while the pattern

in the towns and large school districts is for between five and twelve trustees to be elected for two year periods. In British Columbia, Saskatchewan and Manitoba all the trustees are elected by the local ratepayers while in six other provinces some trustees are elected and some are appointed by the Government. In Quebec, for example, trustees are appointed in Montreal and Quebec and are elected in the other areas and in Ontario trustees are appointed for high school districts and are elected for elementary districts while in Newfoundland all trustees are appointed by the Government.

The powers and duties of trustees are similar in all provinces except Newfoundland and New Brunswick. The trustees' principal powers are to provide school facilities, engage and dismiss teachers, borrow money, exercise general supervision and control over the schools, levy and collect taxes, provide textbooks, expel pupils, etc.

School trustees have formed provincial trustee associations in all provinces except Newfoundland. It is important to this study to note that these trustee associations are weaker, provide fewer services and have less membership support than do the teachers' associations in each province. For example, the trustees are well organized and their association provides the best service to local school boards in the provinces of Alberta and British Columbia. However, even in these provinces, the trustee associations do not command the same membership support as do the teacher associations and consequently are neither as strong nor provide the same extensive services as do the teacher associations. The same relationship between the powers and services provided by teacher and trustee associations exist in the other provinces to the point that in Newfoundland, where the teachers' association is weak, there is no trustee association. Similarly in Prince

Edward Island, Nova Scotia and New Brunswick the trustees' associations are quite weak or operate on only a part-time basis.

The relative weakness of the trustees' associations as compared to teachers' associations is understandable. First, membership in the trustees' associations as compared to teachers' associations is neither compulsory nor automatic. Second, the trustees' associations have no disciplinary power over school boards. Third, school trustees have less to gain from their association membership than do teachers. Fourth, school boards compete against each other for the short supply of teachers. Finally, trustees normally do not have the same negotiation training and experience as do teachers and have nothing personal to gain from negotiations.

The following is an outline of some of the main characteristics of the school trustees in each of the provinces.

(a) British Columbia

A school board composed of between three to nine members is locally elected in each school district in British Columbia. Each trustee is elected for a renewable two year term which expires on alternate years so that some trustees are elected each year. Trustees consider that this short term of office is a factor influencing negotiations since the outcome of negotiations become an election subject each year.

All school boards are members of the British Columbia School Trustee's Association. This is a voluntary organization which has little or no control over its member school boards. Thus school boards may or may not adhere to the policies established at the Association's annual general meeting. This Association has been active in assisting local school boards with

their negotiations. At present it assists about 40 percent of the school boards at the local level and prepares and presents all arbitration cases on their behalf. It keeps all school boards informed as to the progress of negotiations in the Province and supplies boards with negotiation data and statistics.

(b) Alberta

In all school jurisdictions in Alberta there is either a board of school trustees or a school committee. In either case there may be five, seven or nine trustees elected for either a two or a three year term depending upon the type of school jurisdiction. This school board or committee is responsible for the salaries paid to its teachers. A number of the school boards and committees are very independent and seek little help from the provincial association. Thus while the Alberta School Trustees' Association has influence it has little, if any, control over the individual boards. Therefore negotiations for many boards are truly local in nature and scope.

The Alberta School Trustees' Association is a voluntary organization representing the boards of school trustees throughout the Province. It was organized in 1907 for the purpose of "providing a medium for communicating to the Minister of Education the views of the people of the Province on educational questions and of pressing the same on his attention". 25/ Initially this Association simply held annual conventions and passed resolutions to be presented to the Minister.

The 1926 Convention minutes stated that the ASTA was not organized for the purpose of combating the ATA. Although the ASTA submitted a brief

to the Government in 1936 opposing the introduction of the Teachers' Professional Bill, the first evidence of activity in salary matters occurred in 1942 when the convention resolved to "... hold the line on salaries until more Government aid is given". 26/ Since that time an increased amount of the Association's attention has been devoted to teacher salaries and collective bargaining problems. This activity was naturally limited since until 1959 the total Association staff remained at one. The Association's professional staff has now increased to four.

In 1960 the ASTA added an Economic Service Officer who assisted school boards in their economic and collective bargaining problems. These services had to be requested by the school board and at all times the Association's staff was to act in an advisory capacity only. Even now the economic services of the Association are not utilized by all school boards. In 1965, the ASTA appointed regional representatives to assist the local school boards in each region of the Province. Under this system a school board may request the services of the regional representatives to assist them in negotiations. Such assistance is normally only requested when the teachers' central office staff (bargaining agent) is called in to assist the local teachers' committee or when the matter is referred to conciliation. Thus the ASTA is involved in about 80 percent of the disputes by the time they reach the Conciliation Board stage.

(c) Saskatchewan

The trustees' association in Saskatchewan was organized primarily for the purpose of presenting the educational views of the people of the Province to the Government. It has however been active in salary negotiations in recent years. The members of this Association are completely

autonomous and are free to follow or not to follow the policies of the Association which are established at the annual convention.

The Association provides school boards with statistical comparisons and other information used during negotiations. It also arranges regional meetings during negotiations so that trustees may discuss trends and common negotiation problems. Association staff members sometimes assist school boards in local negotiations but have only been involved in about five per-cent of such local negotiations. The Association staff prepares and presents virtually all the conciliation cases on behalf of the local school boards.

(d) Manitoba

As in the other provinces, the Manitoba school boards have formed a loose affiliation for presenting the trustees' views to the Government. Only recently has this Association become involved in salary negotiation. They have arranged meetings to allow trustees to compare trends and discuss common problems. They also supply statistical and economic information to school boards for use during negotiations. In the past couple of years the Association's staff members have become involved in about five percent of the negotiations at the local level and they now prepare and present nearly all conciliation and arbitration cases on behalf of local school boards.

(e) Ontario

The school trustees in Ontario are elected by local ratepayers in all but the high school and improvement school districts, where they are appointed. Depending upon the jurisdiction, between three and twelve trustees serve on each school board for either a two or a three year term. These trustees are directly involved in the establishment of teachers' salaries and are totally responsible for all expenditure incurred.

The trustees have formed the Ontario School Trustees' Council which is a loose affiliation of the following four associations of school trustees,

- L'Association des Commissions des Ecoles Bilingues d'Ontario
- Northern Ontario Public and Secondary School Trustees' Association
- Ontario Public School Trustees' Association
- Ontario Separate School Trustees' Association 27/

The Council's policy concerning salary negotiations is that the determination of teachers' salaries is the responsibility of the local board and any assistance it receives will be supplied by the affiliate and not by the Council. The Council will only assist the parties in a conciliatory capacity.

(f) Quebec

In all school jurisdictions, except Montreal and Quebec, the rate-payers elect the eight school commissioners for a three year period. The commissioners in Montreal and Quebec are appointed - four by the Government and three by the Archbishop in the Catholic system and five by the city council and five by the Government in the Protestant system.

The commissioners have formed two provincial associations - the Quebec Federation of Catholic School Commissions and the Quebec Association of Protestant School Boards. With the development of province-wide negotiations, these associations sit alongside the Government during negotiations with the provincial teachers' associations.

(g) New Brunswick

The Minister of Education determines how many trustees there will be for each school district. There may be between nine and fifteen trustees on a board of which six to nine will be elected and the remainder appointed

by the Government. Whether elected or appointed, the trustees' term of office is two years. School boards are no longer responsible for negotiating teachers' salaries but still hire and dismiss teachers and administer the schools.

There is still an association of school boards in New Brunswick but it is not active in the provincial salary negotiations. It functions solely as a communication media between trustees and a vehicle for presenting the views of the trustees to the Government.

(h) Nova Scotia

The municipal school boards are composed of seven trustees of whom four are appointed by the municipal council and three by the Government. The trustees in rural and village school sections are elected for a three year period at the annual village meetings. Trustees on district school boards are also elected whereas the trustees on regional school boards are all appointed as are those on boards of school commissioners. Therefore the Government has a significant influence upon the composition of the school boards in Nova Scotia.

The school boards are directly involved in and are ultimately responsible for the determination of teachers' salaries. All negotiations are conducted between the teachers' Union and either the entire school board or a committee of the board.

The Nova Scotia Association of Urban and Municipal School Boards developed primarily for the purpose of submitting the views of the trustees to the Government and has not really become active in salary negotiations. It merely acts as a clearing house for teacher salary information.

(i) Prince Edward Island

In Prince Edward Island there are between three to five trustees elected to each rural school board and each board has a representative on the large rural school district board. The chairmen of these district boards are appointed by the Government. The high schools are administered by a regional high school district school board composed of between five to eleven members with a chairman appointed by the Government. The cities of Charlottetown and Summerside are separate districts with nine and seven school board members of whom four, including the chairman, are appointed by the Government. The involvement of school boards in teachers' salary determination is minor, simple and direct. School boards simply take the Government's provincial salary scale and increase it by the maximum allowed by Government ($33 \frac{1}{3}$ percent) to arrive at the salary paid to teachers.

(j) Newfoundland

The Government of Newfoundland, at the request of the Superintendent of Schools, appoints a school board of five or more persons of the religious denominations of the residents in the district. One of these trustees must be the senior clergyman in the district.

The school board does not participate in the determination of teachers' salaries in any way. It is significant that Newfoundland is the only province that does not have a provincial trustees' association. Some teachers feel that this is an indication of how far behind Newfoundland is in the development of its educational program. The church organizations in the Province fulfill many of the functions performed by a trustees' association in other provinces.

REFERENCES

- 1/ Since February 1967 in Quebec and since December 1968 in New Brunswick, the level of teachers' salaries and other benefits have been determined at the provincial level between the teachers' associations and the government (along with the trustees' associations).
- 2/ Dominion Bureau of Statistics, Preliminary Statistics of Education, 1964-65; Table 20.
- 3/ This statute was replaced by the Act Respecting Teachers' Salary Agreements in 1968 which created area-wide bargaining units.
- 4/ As of December 1968 the Public Service Staff Relations Act gives the teachers the right to organize, to bargain with the government and to strike.
- 5/ New Brunswick as of Jan. 1, 1967 and Quebec under the provisions of Bill 25.
- 6/ The trustees associations sit alongside the Government in these negotiations in Quebec.
- 7/ By 1966 this figure had climbed to 33% and as a result there has been considerably more government interest and involvement in collective bargaining in all provinces.
- 8/ Dominion Bureau of Statistics, Preliminary Statistics on Education 1966-67, Table 23.
- 9/ Dominion Bureau of Statistics, Survey of Education Finance, 1966, Table 8.
- 10/ In 1966 municipalities contributed at the rate of 16 mills on an equalized assessment. The equalized assessment is set annually for each municipality by the Alberta Assessment Equalization Board.
- 11/ In Prince Edward Island the government establishes the basic salary scale which the school boards simply increase by one-third.
- 12/ Third parties have acted as mediators in a few instances in 1968 and 1969.
- 13/ With the passing of the Public Service Staff Relations Act in December 1968 a conciliation and/or arbitration procedure has been established.
- 14/ C.E. Phillips, The Development of Education in Canada (Toronto: W.W. Gage, 1957)
- 15/ A.D. Talbot, The PAPT'S First Century (Gardenvale: Harpell's Press, 1963), 89 pp.

- 16/ While outside the scope of this study it should be noted that there is also a teachers' association in both the Yukon and the Northwest Territories.
- 17/ Letter from D.J. Grady, Director, Economic Welfare, British Columbia Teachers' Federation, July 5, 1967.
- 18/ BCTF Handbook, p. 39.
- 19/ Letter from W.F. Rieger, Executive Assistant, Alberta Teachers' Association, July 5, 1967.
- 20/ The provincial Association retains some control over the use of the strike since no strike assistance is granted without the approval of the Executive Council of the Association. This assistance amounts to \$15 for married and \$10 for single teachers each day.
- 21/ Alberta Teachers' Association, The ATA Handbook (Edmonton; ATA, 1966) p. 34.
- 22/ Ibid., p. 23.
- 23/ Ibid., pp. 24-26.
- 24/ Throughout this study the name La Corporation des Enseignants du Québec will be used.
- 25/ Life and Work of the Teacher (Edmonton: Alberta School Trustees' Association, 1966), p. 10.
- 26/ Ibid., p. 26.
- 27/ The number of affiliated associations was reduced from seven to four in 1969. This merging of these associations was due in part to the consolidation of school jurisdictions resulting from Bill 44.

CHAPTER III

THE CANADIAN TEACHING FORCE

A. Size

Table A-1 (Appendix A) reports the number of teachers by province from 1956-57 to 1965-66. As shown, the total teaching force in Canada increased by 64% during this decade (from 122,702 to 200,851). The increase in the number of teachers varies considerably from one province to another. For example, while the number of teachers in Alberta and Ontario increased by 74% and 73% during the decade, the number in Saskatchewan and Nova Scotia increased by only 35% and 37%. The increases in the teaching force in each province during this period was:

	%		%
Newfoundland	- 65	Ontario	- 73
Prince Edward Island	- 45	Manitoba	- 46
Nova Scotia	- 37	Saskatchewan	- 35
New Brunswick	- 42	Alberta	- 74
Quebec	- 66	British Columbia	- 69

These increases are a reflection of both the growth of the school age population and the developing emphasis being placed upon education. For example, while the percentage increase in the number of teachers was the

largest in Ontario and British Columbia, these were also the provinces with the largest increase in student enrollment. When changes in the number of teachers and the number of students are compared it becomes evident that most of the increases in the size of the teaching forces in the four Western provinces were the result of increased student enrollments (a reduction of 3 or less students per teacher over the period). In contrast, much of the change in the size of the teaching forces in Prince Edward Island and Newfoundland was the result of improved education services (as indicated by a reduction of at least 5 students per teacher over the period). The foregoing comparisons show that the 73% increase in Ontario's teaching force resulted from this province having the second largest increase in student enrollment (54 percent increase in 10 years) and making the second largest improvement in educational services (as indicated by the reduction of students per pupil over the period).

In examining the statistics relating to the Canadian teaching force it is important to appreciate that about two-thirds of the Canadian teachers are located in Ontario and Quebec. This means that any national data are heavily weighted by the situation in these two provinces. 1/ The actual distribution of the Canadian teaching force among provinces in 1965-66 was,

	<u>Number</u>	<u>Percentage</u>		<u>Number</u>	<u>Percentage</u>
		%			%
Newfoundland	5,545	3	Ontario	66,164	33
Prince Edward Island	1,209	1	Manitoba	9,232	4
Nova Scotia	7,897	4	Saskatchewan	10,515	5
New Brunswick	6,812	3	Alberta	15,518	8
Quebec	62,200	31	British Columbia	<u>15,759</u>	<u>8</u>
			CANADA	<u>200,850</u>	<u>100</u>

In view of the important role that the churches played in organizing the educational systems in Canada, it is of interest to note the role played by religious teachers today. In the Prairie provinces and Ontario between 2% and 5% of the 1966-67 teaching force are teachers in religious orders. In contrast these teachers made up 14% of the Quebec teaching force and between 8% and 9% of the teaching forces in the Atlantic region. Thus, clerical teachers do not now represent a large enough proportion of the teaching forces in any of the provinces, except Quebec, to have a significant impact upon the policies, attitudes, salary levels, etc.

B. RURAL - URBAN COMPOSITION

The Dominion Bureau of Statistics defines an urban centre as one where there is a population of 1,000 or more. Therefore teachers classified as "urban" are those teaching in a centre with a population of 1,000 or more. Similarly those teaching in centres of less than 1,000 population plus those in schools of less than six classrooms are classified as "rural". For examining salaries, qualifications, turnover etc. such a division is inadequate. Teachers are attracted to an area by its cultural and educational activities and facilities as well as by the salary offered. In this regard a community of 2,000 or 3,000 may be no better than a community of 900 people. Therefore many teachers do not distinguish between small communities on the basis of size so much as on the basis of the proximity of the community to a major urban centre. A more realistic distinction between rural and urban communities for the purposes of teacher comparisons would be a population of between five to ten thousand. However data from the Dominion Bureau of Statistics form the statistical basis for this report so the DBS definitions will be used.

With the majority of Canadians living within 100 miles of the United States border there are large portions of our country which are sparsely populated. This distribution, coupled with the climatic conditions that exist in some of our northern regions, significantly complicates the teaching and living in rural areas or small towns with a population of less than 1,000. As shown in Chart 1 the proportion of teachers in the urban areas of some provinces is much greater than in others. From Chart 1 (100 minus percentage of urban teachers) in 1965-66 the proportion of provincial teachers in rural areas was as follows:

	%		%
Newfoundland	- 47	Saskatchewan <u>2/</u>	- 52
Prince Edward Island	- 62	Alberta	- 28
Nova Scotia	- 42	Manitoba	- 32
New Brunswick	- 44	British Columbia	- 22
Ontario	- 18		

Most teachers consider the living and working conditions in many of the rural areas to be sub-standard. This, coupled with the isolation and northern climatic conditions, makes it extremely difficult for some areas to attract teachers. Very few new university graduates (particularly female) apply for teaching positions in such communities as Nipawin, Saskatchewan or Fort Vermilion, Alberta. The thought of having to live in some of these rural areas keep many university trained people from entering the profession.

Chart 1 clearly shows that each year a larger proportion of the Canadian teaching force resides in urban rather than in rural areas. This is a direct result of (a) the overall population shift from rural to urban areas, (b) the more rapid increase in the school age population in the urban

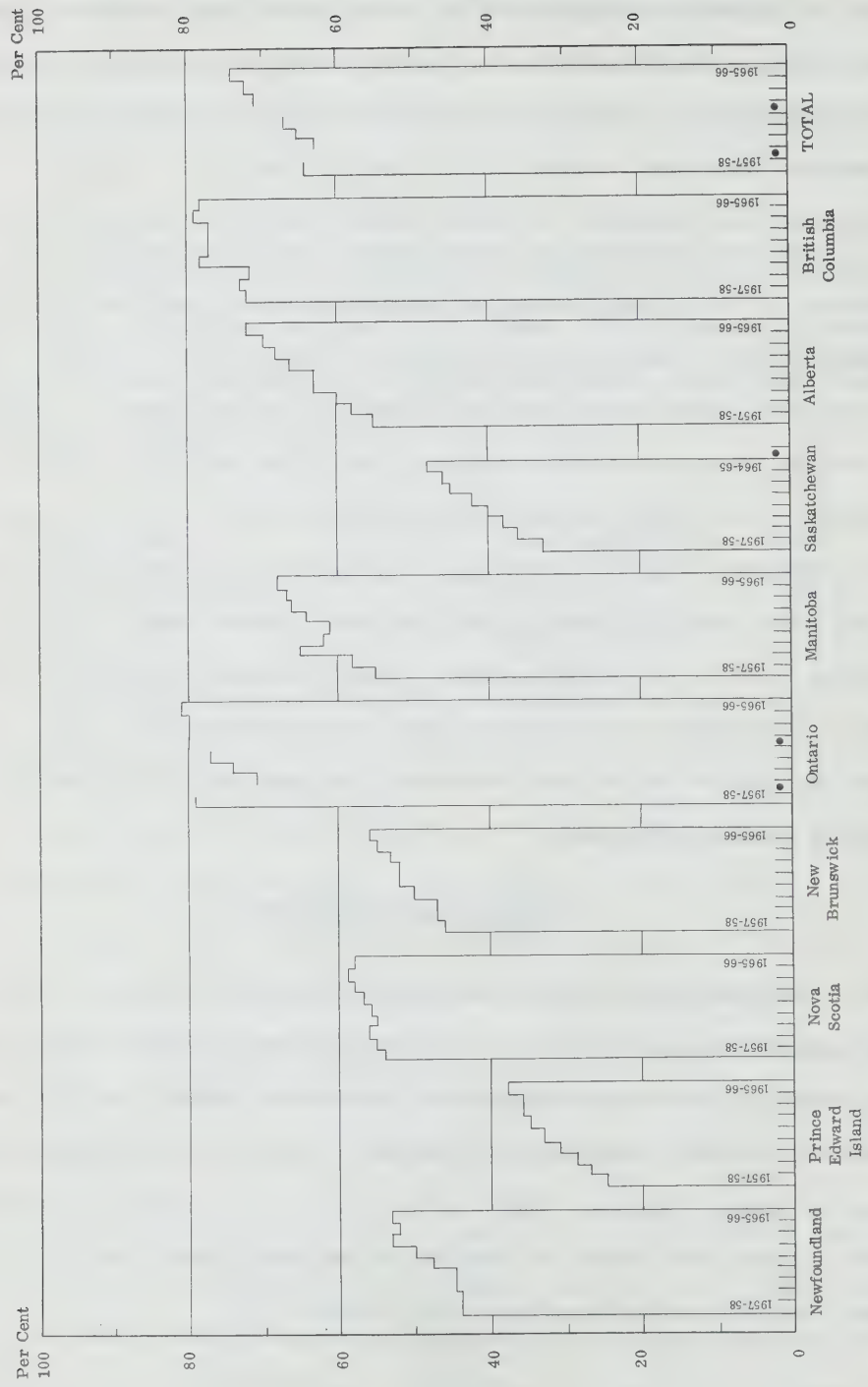
areas, (c) improved transportation systems allowing rural students (particularly high school students) to be bussed to schools located in urban areas, and (d) the general trend towards the consolidation of rural school jurisdictions.

The rural-urban mix of the teaching force in a province is an important factor in determining the provincial salary level as well as the attractiveness of teaching as an occupation. Experience has shown that in the teachers' associations both the leadership and the membership support is stronger in an urban bargaining unit than in a rural unit. This is reflected in the qualifications and experience of the local negotiators and by the number of teachers who attend local meetings. A low participation in the rural areas can be expected since some teachers must travel up to 50 miles in order to attend meetings. Therefore urban negotiators normally reflect membership feelings better than do rural negotiators. As a result urban negotiators may be able to assume a stronger bargaining position than can many rural negotiators.

C. MALE-FEMALE COMPOSITION

The teaching profession has historically been dominated by women. The probable reasons for this are the salaries and the type of work. Teachers' salaries have traditionally been low with the result that the profession has not attracted a large number of males. Yet the salaries have been adequate to attract females. Teaching has been one of the few professions in which a women could enter and advance and was one of the first to eliminate salary and other discriminations against women. 3/

CHART 1
URBAN TEACHERS AS A PERCENTAGE OF TOTAL PROVINCIAL TEACHERS
1957 - 58 TO 1965 - 66



Note: • Indicates insufficient data.
Source: Appendix A, Table 5.

Chart 2 reports the proportion of males in the teaching force in each province from 1958-59 to 1965-66. There has been a steady increase in the proportion of males in the teaching force in all of the provinces over this period. However despite this increase, in 1965-66 the proportion of male teachers in Prince Edward Island, Nova Scotia, New Brunswick and Quebec was only between 20 and 27 percent, and the proportion in the other provinces was only between 37 and 45 percent. Thus, in all provinces the majority of the teachers are women and the potential for female domination of the profession exists particularly in the provinces of Prince Edward Island, Nova Scotia, New Brunswick and Quebec.

During one of the interviews it was suggested that increases in the proportion of male teachers was only taking place in the urban areas. Chart 3 was prepared in order to ascertain this trend. It shows the male-female composition of the rural and the urban teacher groups in each province. As this Chart indicates, there has been a steady increase in the proportion of male teachers in the rural as well as in the urban areas of all provinces.^{4/} It does show however that in all provinces, except Nova Scotia and Ontario, the proportion of male teachers increased faster in the urban than in the rural areas. Furthermore, in 1965-66, the proportion of male teachers in the urban areas was greater than the proportion in the rural areas in all provinces except Newfoundland, as shown in the following comparison.

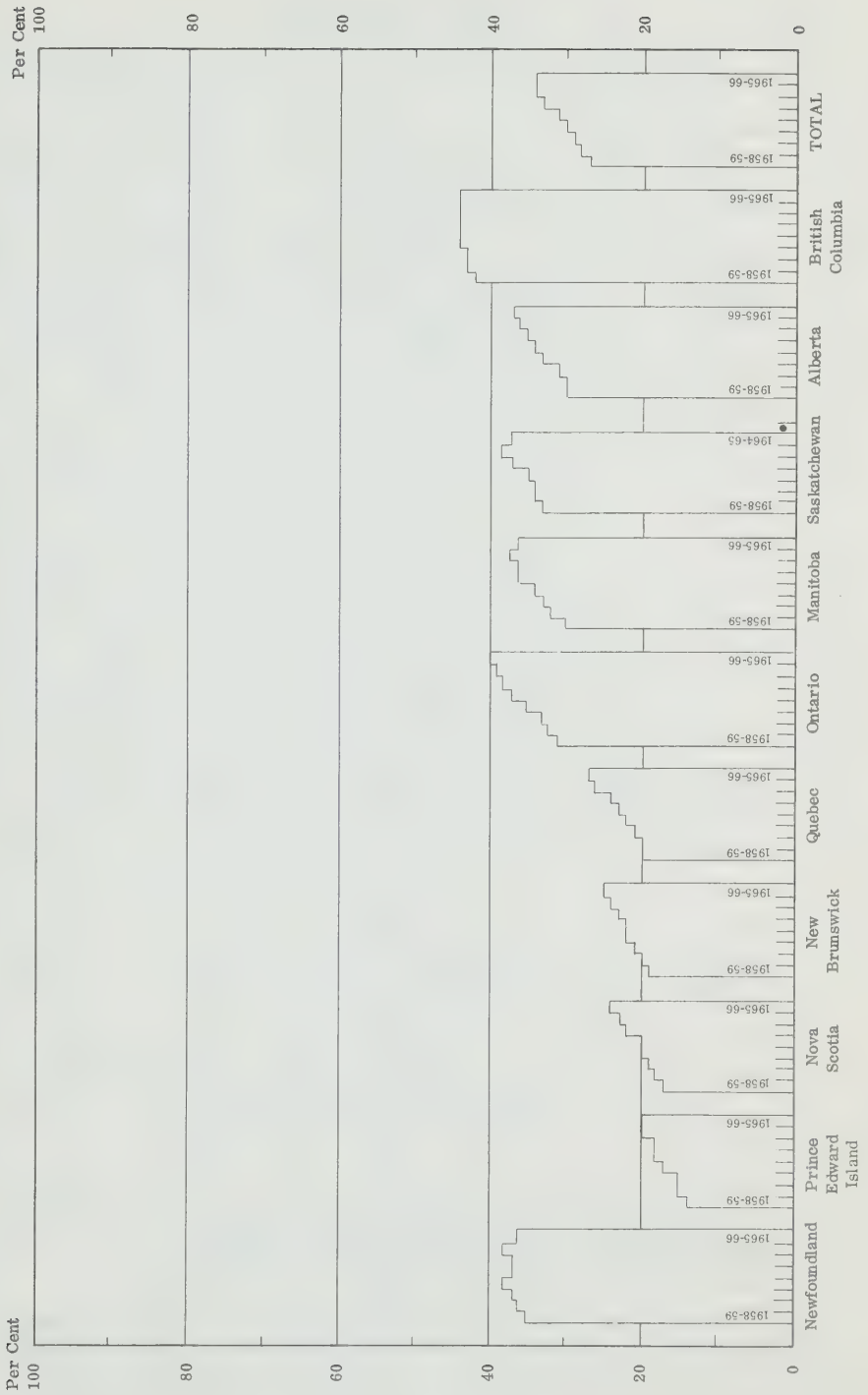
Proportion of Male Teachers, 1965-66

	% <u>URBAN</u>	% <u>RURAL</u>
Newfoundland	32	38
Prince Edward Island	30	14
Nova Scotia	26	20

	% <u>URBAN</u>	% <u>RURAL</u>
New Brunswick	29	20
Ontario	42	29
Manitoba	37	35
Saskatchewan	39 (1963-64)	36 (1964-65)
Alberta	38	35
British Columbia	<u>45</u>	<u>39</u>
TOTAL (less Quebec)	40	32

In descending order the provinces with the highest proportion of male teachers are British Columbia, Ontario, Alberta, Saskatchewan, Manitoba, Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island. It is interesting to compare this distribution to the distribution of provinces with the highest average teachers' salaries (British Columbia, Alberta, Ontario, Saskatchewan, Manitoba, Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland). With the exception of Newfoundland, there is a strong positive correlation between these two distributions which suggests that a relationship exists between the proportion of males in the teaching force and average salaries. It is felt that the proportion of males in the teaching force is one of the contributing factors for two reasons. First, the male teachers on the whole possess higher academic and professional qualifications than do females which directly influences average salaries.^{5/} Second, the results of the interviews indicated that a bargaining unit with a higher proportion of males tends to request larger salary increases and assume a stronger bargaining position than the females.

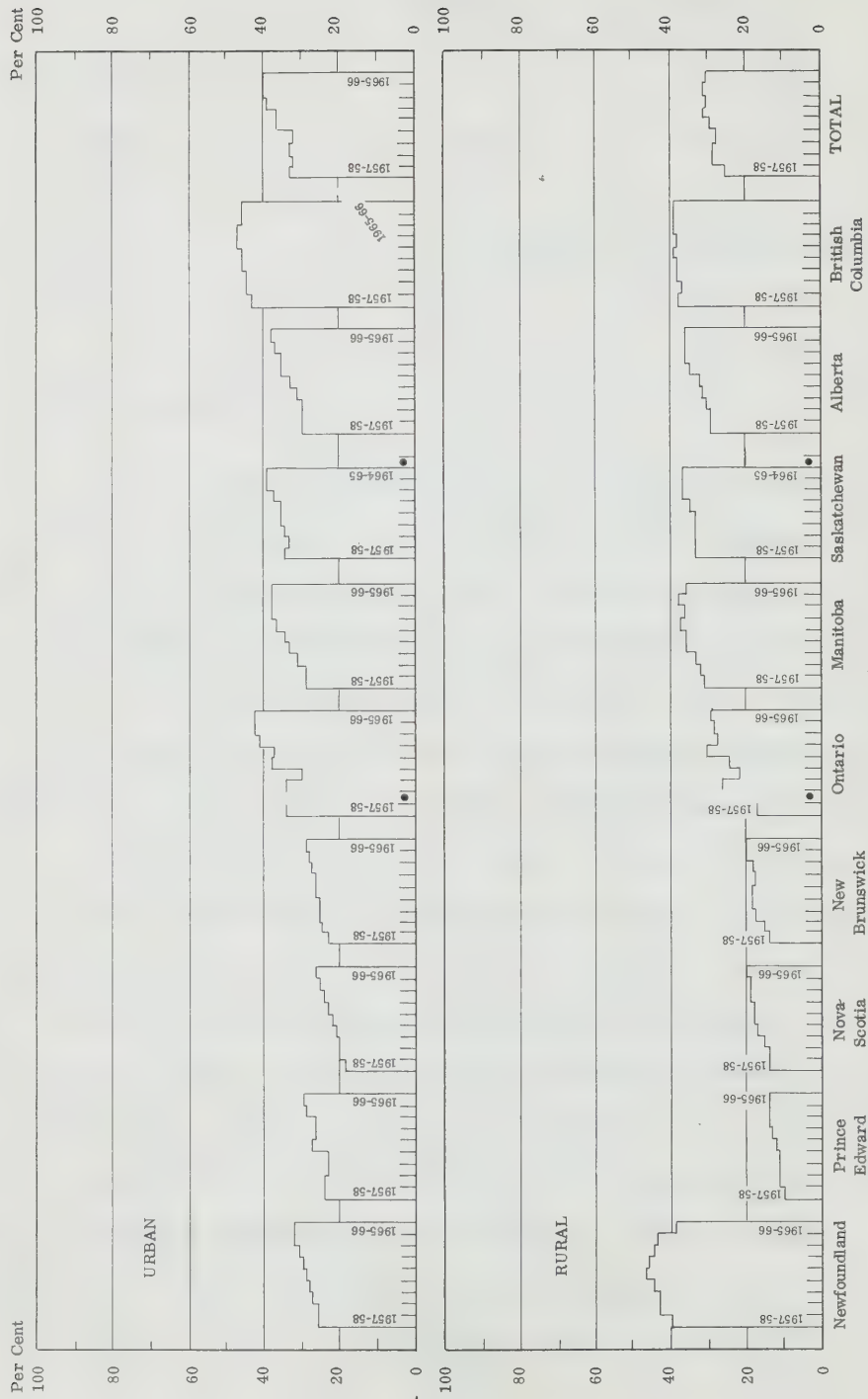
CHART 2
MALE TEACHERS AS A PERCENTAGE OF TOTAL PROVINCIAL TEACHERS
1958 - 59 TO 1965 - 66



Note: • Indicates insufficient data.
Source: Appendix A, Table 2.

CHART 3

MALE URBAN AND RURAL TEACHERS AS A PERCENTAGE OF PROVINCIAL URBAN AND RURAL TEACHERS
1957 - 58 TO 1965 - 66



Note: • Indicates insufficient data.
Source: Appendix A, Tables 3 and 4.

D. TEACHER QUALIFICATIONS

It is difficult to compare qualifications of teachers from one province to another due to (a) the different number of years required to complete senior matriculation in various provinces, (b) teacher training being attached to the university in some provinces and to normal schools in others, (c) the difficulty of comparing a Bachelor of Education degree in one province to an Arts degree plus six weeks teacher training in another, (d) the granting of a university degree in three years in some provinces and four years in others, and (e) the differences in education programs and courses at the various universities.

The Dominion Bureau of Statistics has overcome many of these problems by classifying teachers according to their academic and professional training. The Bureau has established eight "levels" which equate the various provincial teaching certificates on the basis of the minimum number of years of academic and professional training required (beyond junior matriculation) for each type of certificate. 6/ In this way the Bureau has established the following eight "levels".

<u>Level</u>	<u>Years of Training Beyond Junior Matriculation</u>
7	7)
6	6)
5	5) - years of which at least one year is
4	4) professional training.
3	3)
2	2)
1	1)
0	Junior matriculation plus less than one year of professional training or no professional training regardless of academic standing. 7/

Teachers in level 5 or better will normally have at least a Bachelor of Education degree or its equivalent, while those in level 7 generally have

a Master of Education or its equivalent. Level 4 teachers may or may not have a degree. In Alberta, for example, grade 12 is equivalent to senior matriculation and it takes another four years to obtain a B.Ed. degree. A teacher who has only three of the required four years towards his degree could teach in Alberta with a Standard Certificate and would be classified by the Dominion Bureau of Statistics in level 4 while those with a B.Ed. degree would be classified in level 5. In British Columbia, on the other hand, grade 12 is equivalent to only junior matriculation and it takes another four years in the Faculty of Education to obtain a B.Ed. in elementary education and five years for a B.Ed. in secondary education. Thus the Bureau would classify British Columbia teachers with a B.Ed. in elementary education in level 4 and those with a B.Ed. in secondary education in level 5. Thus the Dominion Bureau of Statistics' "levels" may not provide the most idealistic basis for equating the educational attainments of teachers in the various provinces. Despite their shortcomings these "levels" do provide a fairly good basis for making interprovincial comparisons. The accuracy of these "levels" may be measured by comparing the number of teachers whom the Bureau has classified in "levels" 4 to 7, to the number reporting that they hold a university degree. The following is such a comparison for 1967-68.

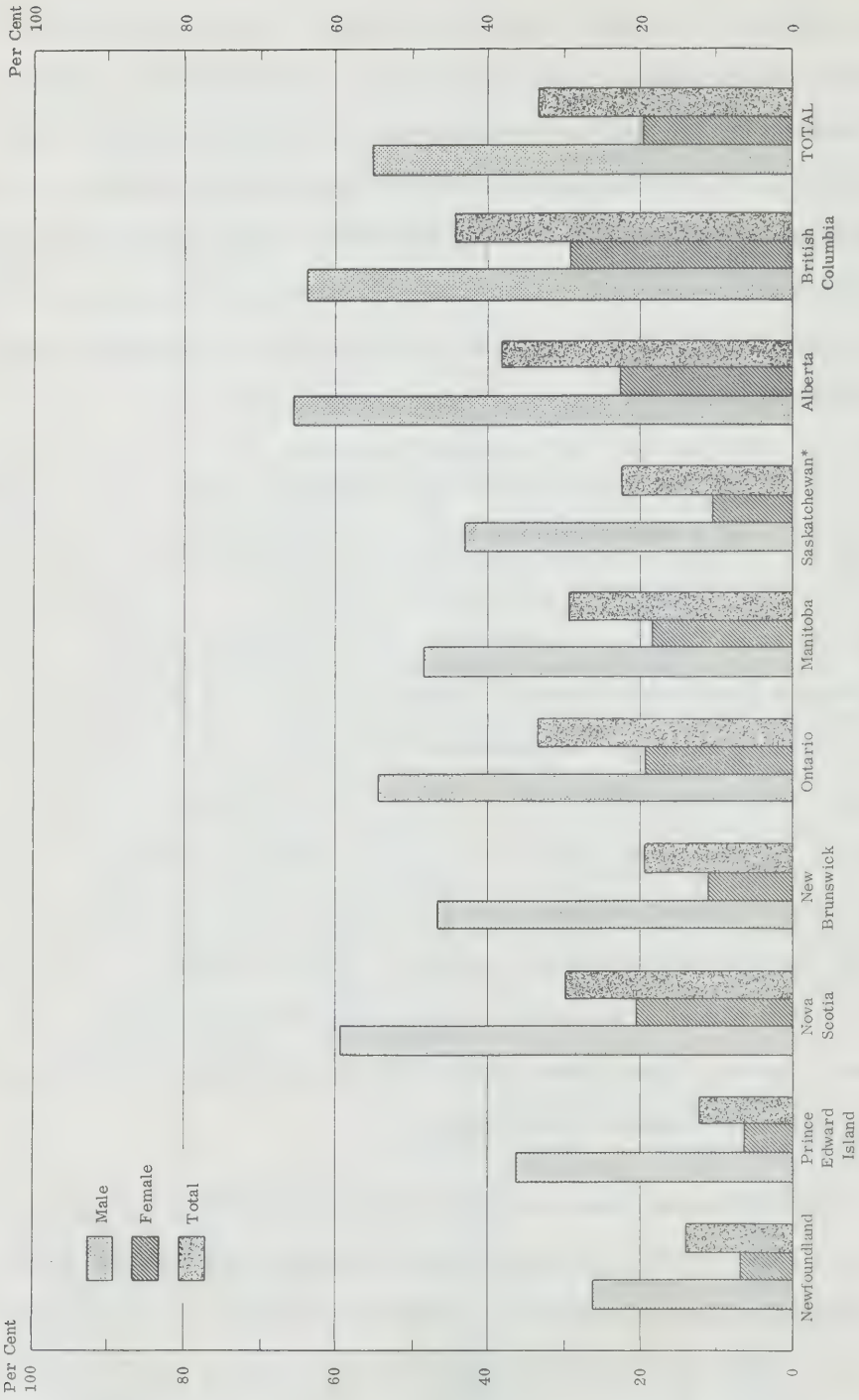
	<u>Proportion of Teachers</u>	
	<u>Classified in</u> <u>"levels" 4 to 7</u>	<u>Reporting Holding a</u> <u>University Degree</u>
Newfoundland	20.5%	18.2%
Prince Edward Island	23.1	19.1
Nova Scotia	42.4	34.5
New Brunswick	24.1	23.6
Quebec *	--	23.1
Ontario	39.5	35.1
Manitoba	29.1	33.4
Saskatchewan	30.4	30.3
Alberta	43.8	44.2
British Columbia	<u>53.1</u>	<u>48.5</u>
* For 1966-67	Total <u>38.9%</u>	<u>35.9%</u>

Hence, the Bureau's "levels" are fairly accurate (within 0.6%) for New Brunswick, Saskatchewan and Alberta; slightly understate (by 4.3%) the qualifications of the Manitoba teaching force; slightly overstate (by between 2.3 and 4.6%) the qualifications of the teaching forces in the other provinces; and only in Nova Scotia are the qualifications overstated by as much as 7.9 percent. This tendency to overstate is the result of the number of teachers in some provinces with four years of training beyond junior matriculation but who do not hold a degree.

It is therefore evident that all teachers in levels 5 to 7 and most of those in level 4 hold degrees and may be considered to be fully qualified teachers. For the purpose of this study, these level 4 - 7 teachers will be referred to as "degreed teachers" or as "professional teachers". Table 6, Appendix A (and Charts 4 and 5), shows the proportion of the teachers in each province which may be considered to be "degreed" or "professional" teachers. This Table shows that one-third of the Canadian teachers were degreed in 1965-66 as compared to only 23% in 1958-59. Despite this improvement in teacher qualifications it is disturbing to find that only 33% of Canadian teachers hold university degrees. British Columbia is the only province where almost every other teacher holds a degree; while in New Brunswick, Quebec, Prince Edward Island and Newfoundland, fewer than one out of every four teachers are degreed.

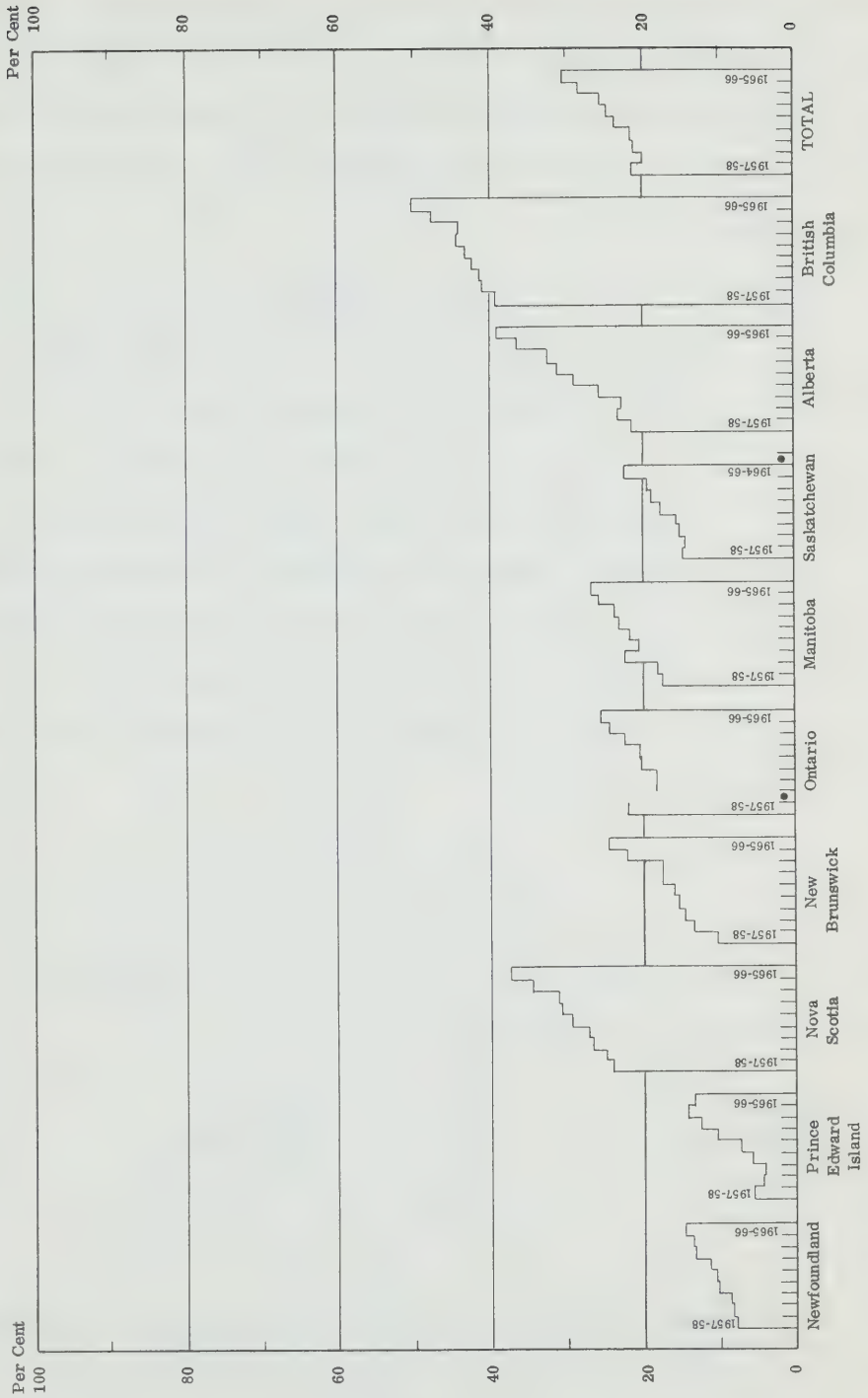
Although Quebec does not participate in the Dominion Bureau of Statistics data collection, they have published some information relating to the qualifications of teachers in Quebec in 1966-67. 8/ The Quebec statistics report only those who hold university degrees and therefore is not exactly comparable to the D.B.S. "levels". The Québec Ministère de

CHART 4
PERCENTAGE OF PROVINCIAL MALE, FEMALE AND TOTAL TEACHERS WITH GRADUATE DEGREES
1965 - 66



Note: * Indicates figures for 1964-1965.
Source: Appendix A, Table 6.

CHART 5
PERCENTAGE OF TOTAL PROVINCIAL TEACHERS CLASSIFIED BY D.B.S. AS HOLDING CERTIFICATE LEVEL 4-7
FROM 1957-58 TO 1965-66



Note: • Indicates insufficient data.
Source: Appendix A, Table 7.

L'Education reported that only 23.1 percent of those teaching in the public schools of Quebec hold degrees. When these teachers are separated on the basis of lay versus religious teachers, the report showed that only 21.0 percent of the lay teachers hold degrees as compared to 35.9 percent of the religious teachers. 9/

Chart 4 shows the percentage of teachers in the rural and urban areas of each province who are degreed teachers. As might be expected, a much greater proportion of teachers in the urban centers of all provinces are degreed than are those in the rural areas. The absence of degreed teachers in the rural areas is particularly pronounced in all provinces except British Columbia, Alberta and Nova Scotia. For example, fewer than 1% of the rural teachers in Newfoundland, Prince Edward Island, New Brunswick, Ontario, Manitoba and Saskatchewan are degreed. Even in British Columbia, Alberta and Nova Scotia degreed teachers represent only between 25% to 33% of the rural teachers.

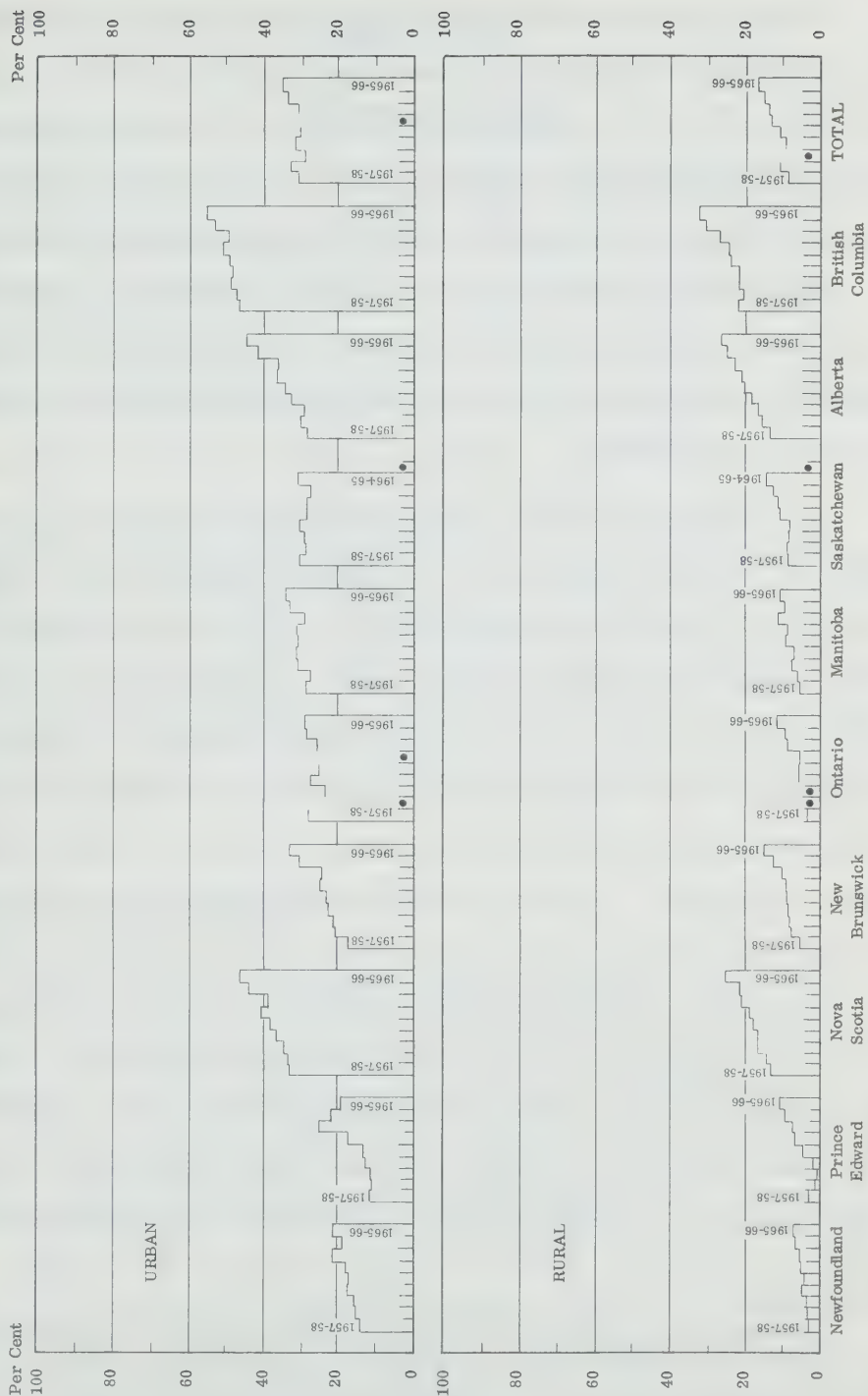
Some consider that university degrees, although desirable, are not necessary for elementary teachers and should only be a requirement for those teaching secondary schools. If such were the case, the proportions of degreed secondary teachers in 1965-66 were:

	%		%
Newfoundland	- 45	Manitoba	- 69
Prince Edward Island	- 41	Saskatchewan	- 60
Nova Scotia	- 62	Alberta	- 66
New Brunswick	- 46	British Columbia	- <u>72</u>
Quebec <u>10/</u>	- 43		
Ontario	- 82	Total	- <u>72</u>

Thus only in British Columbia and Ontario is the level of qualifications of even the secondary school teachers up to a suitable level.

CHART 6

URBAN AND RURAL TEACHERS WITH LEVEL 4 TO 7 CERTIFICATES AS A PERCENTAGE OF ALL PROVINCIAL URBAN AND RURAL TEACHERS, 1957 - 58 TO 1965 - 66



Note: • Indicates insufficient data.
Source: Appendix A, Tables 8 and 9.

Viewing the problem of teacher qualifications from the other end, Table 10 (Appendix A) reports the proportion of teachers in each province with less than "level" 1 qualifications. These are the teachers possessing only junior matriculation and less than one year of professional training, or those with no professional training regardless of academic standing. As shown, there has been a steady reduction of these "unqualified" teachers in all provinces over the past decade. However, in 1965-66 still 32% of the Newfoundland and 22% of the Nova Scotia and Prince Edward Island teaching forces were "unqualified."

This examination of the qualifications of the Canadian teachers suggests the following conclusions. (a) The qualifications of the teaching forces in all provinces are considerably below the desired standards, since only one-third of the Canadian teaching force is degreed and in four provinces less than one out of every four teachers is degreed. (b) The level of qualifications of teachers in the rural areas is considerably below that of those in the urban areas and in five provinces less than 15% of the rural teachers are degreed. (c) If one considers that degrees are required only for teachers in secondary schools, the picture is a little brighter (although still not adequate), since almost three-quarters of the secondary teachers in the nine provinces are degreed. (d) All provinces, either due to current supply-demand imbalance or because of historical problems, have a number of "unqualified" teachers in the system. Prince Edward Island, Quebec and Newfoundland appear, however, to have an unacceptably high proportion of them.

The teaching profession is normally considered to be a profession of highly educated persons. The foregoing analysis suggests that such an assumption should be questioned, particularly in some provinces.

E. TEACHER SHORTAGE

1. Extent of the Problem

Over the past few years there has been a considerable amount written about the teacher shortage in Canada. In addition, I am told that this subject usually enters the discussion at almost all salary negotiations. Despite the interest in this subject there has been no standardized definition established of what a "shortage" is. Every school board has difficulty obtaining teachers who are qualified in specific subjects — such as opportunity classes, business education, etc. Some people refer to these problems when speaking of a shortage. Others refer to the number of "unqualified" teachers in classrooms. The difficulty here again is a variation in the definition of "qualified". While still others use "overcrowded" classrooms as the basis for defining the extent of the shortage. There follows a number of estimates of the teacher shortage using some of the most common definitions.

(a) Dr. Sheffield's Estimate

One of the first to analyze the teacher shortage problem was Dr. Sheffield. His analysis 11/ used the 1955-56 school year and is based on the assumption that (a) elementary school teachers should at least have junior matriculation plus one full year of teacher training, and that (b) secondary school teachers should be university graduates with at least a year of teacher training. On the basis of these two assumptions he noted that 14,150, or 15% of the elementary teachers and 11,100, or 40% of the secondary teachers in Canada in 1955-56 were unqualified. To these figures he added another 9,000 teachers 12/ required to eliminate overcrowding and

another 400 teachers to replace correspondence instruction. Therefore he concluded that the net teacher shortage in 1955-56 was 34,650.

By applying Dr. Sheffield's analysis to the 1965-66 teaching force we find that there were (a) 9,369 unqualified elementary teachers, (b) 9,806 unqualified secondary teachers (c) 3,800 additional teachers required to relieve overcrowding plus (d) 400 needed to replace correspondence instruction. 13/ Therefore the teacher shortage is estimated to be 20,346 in the nine provinces (excluding Quebec) for 1965-66. By provinces it was as follows:

Newfoundland	2,800	Manitoba	787
Prince Edward Island	432	Saskatchewan	1,121
Nova Scotia	1,053	Alberta	796
New Brunswick	1,604	British Columbia	<u>2,027</u>
Ontario	9,726		<u>20,346</u>

(b) A Second Estimate

If we assume that a university degree is required to teach in the secondary schools but not in the elementary schools then a second, more conservative, estimate of the teacher shortage may be made. This estimate is based on the number of teachers in classrooms who do not have at least junior matriculation plus one year of professional training. Chart 7 has been prepared to show the percentage of these unqualified teachers in the classrooms from 1957-58 to 1965-66. As shown, they range from a high of 32% in Newfoundland and 22% in Prince Edward Island down to a low of between 1% and 2% in British Columbia and Saskatchewan. On this basis the shortage of qualified teachers for the nine provinces in 1965-66 was 9,200. By province it was:

Newfoundland	1,749	Manitoba	514
Prince Edward Island	262	Saskatchewan*	172
Nova Scotia	639	Alberta	804
New Brunswick	863	British Columbia	<u>190</u>
Ontario	4,007		<u>9,200</u>

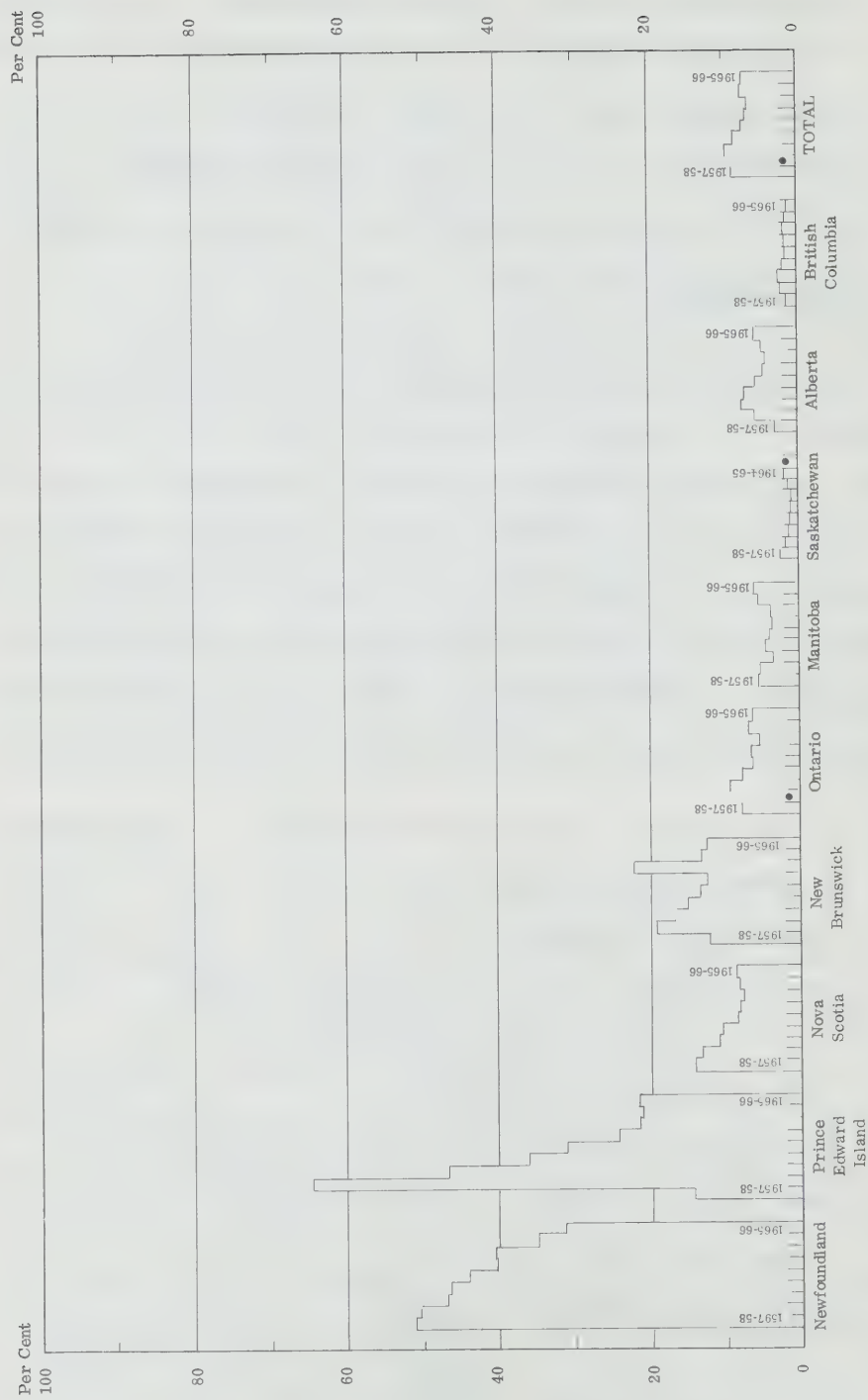
(c) A Third Estimate

Another indication of the extent of the shortage may be obtained from the number of temporary teaching permits issued in the various provinces. These temporary permits are called different names in each province but in all cases are issued to those who are not qualified to obtain a teaching certificate. For example, in Ontario letters of permission are issued to persons when school boards are unable to obtain qualified teachers. Although they are usually issued for a period of one year only, the number of these permits issued in each province in 1965-66 was as follows:

British Columbia - (Letters of Permission)	360
Alberta - (Letters of Authority)	991
Saskatchewan (Substandard)	315
Manitoba (Permits and Special Authority to partly trained university students)	502
Ontario (Letters of Permission)	3,312
New Brunswick - (Licenses and letters of standing)	851
Nova Scotia * - (Special licenses and permits)	255
Prince Edward Island - (Permits)	48
Newfoundland - (Emergency supply)	<u>158</u>
	<u>6,792</u>

* For the Year 1964-65

CHART 7
TEACHERS WITH CERTIFICATE LEVELS 0 AND -1 AS A PERCENTAGE OF PROVINCIAL TEACHERS
1957 - 58 TO 1965 - 66



Note: • Indicates insufficient data.
Source: Appendix A, Table 10.

Therefore another estimate of the teacher shortage in the nine provinces in 1965-66 was about 6,800.

(d) A Look to the Future

Professor Francis, of McGill University, conducted a survey and from it made a projection of teacher shortages in the future. From his study he concludes that Canada could well be approaching a crisis in its supply of teachers. As he sees it, the present demand for teachers in Canada will increase from an existing 35,000 up to 40,000 by 1970 and will fall off to 30,000 by 1975. He finds that the number of teachers being supplied from teacher training institutions cannot begin to match the demand until 1975. Thus between 10,000 to 15,000 teachers will have to be obtained from other sources or else Canada will be faced with a serious shortage.

His projection is based upon (a) the attainment of a student-teacher ratio of 22.1 by 1970 and 20.1 by 1975 (b) birth rate trends taking into account the impact of new birth control measures, (c) the increasing trend in pupil attendance, (d) a teacher wastage rate of 10-12% per year, and (e) the effective capacities of the training institutes. His forecast is as follows: 14/

	<u>Number of Teachers Needed</u>	<u>Teachers in Service</u>	<u>Supply from training institutes</u>	<u>Supply Needed from other sources</u>
1966-67	230,000	190,000	25,000	15,000
1967-68	240,000	200,000	25,000	15,000
1968-69	250,000	210,000	25,000	15,000
1969-70	260,000	220,000	25,000	15,000
1970-71	270,000	230,000	25,000	15,000
1971-72	275,000	240,000	25,000	10,000
1972-73	280,000	245,000	25,000	10,000

	<u>Number of Teachers Needed</u>	<u>Teachers in Service</u>	<u>Supply from training institutes</u>	<u>Supply Needed from other sources</u>
1973-74	285,000	250,000	25,000	10,000
1974-75	290,000	255,000	30,000	5,000
1975-76	290,000	260,000	30,000	0

Therefore he concludes that the potential shortage is now 15,000. However this shortage will be reduced by the number of teachers recruited each year from other countries and other occupations (including housewives). In 1965-66 there were 6,223 teachers recruited from other occupations by the nine provinces. Thus this shortage can be reduced by 6,000 plus the number of teachers recruited from other countries.

2. Specific Regional Problems

(a) Newfoundland

In an editorial the Newfoundland Teachers' Associations stated the problem in these terms:

Teacher supply continues to be one of the thorniest problems confronting education in this province ... There are no records to show the exact number of classrooms closed at this time but the Superintendents of Education definitely know of 100 closed classrooms with an equal number which might almost as well be closed...it must be remembered that last year there were 300 people in Newfoundland classrooms who had no professional training and who in most cases had not finished high school. In addition there are 1,200 teachers with a license given after six or 12 weeks of training. This means that this province needs 1,800 teachers to bring standards up to the very minimum of one year of professional training. 15/

In another editorial they stated:

The N.T.A. estimated that at our present rate it would take 65 years for Newfoundland to have its schools staffed by personnel with at least one year of training beyond Junior Matriculation. 16/

In an analysis Dr. Kitchen relates the qualifications of Newfoundland's teachers to the failure rate of students. In his opinion there is a strong relationship between the two. As he states:

...Newfoundland teachers on the average have less education and less experience than the teachers of other Canadian provinces. 17/

and therefore:

The Canadian pupil living in Newfoundland is handicapped compared to his mainland counterparts by his teachers' lack of qualifications and experience. 18/

He is therefore critical of both the number of unqualified teachers in the schools and the present practice of granting a permanent teaching certificate to those with only one year's training beyond junior matriculation. 19/

Dr. Kitchen supports his case by reporting that Newfoundland's pupil failure and dropout rate is the highest in Canada. For example, he found that in 1964-65 only 54% of the girls and 62% of the boys in grade 9 were the average age. The others either started school when they were older than 6 or failed one or more years. Furthermore, 22% of the girls and 30% of the boys were two or more years behind their normal grade. He therefore concluded that Newfoundland has the "...lowest educational levels in Canada.20/

(b) Nova Scotia

Dr. A. Bailey of the Nova Scotia Teachers' College states that:

Nova Scotia does not have a teacher shortage, but merely a shortage of licensed people willing to teach. 21/

He is particularly concerned over the number of people holding teaching certificates out who are not teaching. He feels that teacher education could be made more efficient if they could eliminate those who enter education but who have no intention of using the profession as a career. He is concerned with the number of girls who enter education in search of homemaking as a career rather than teaching.

(c) Saskatchewan

Mr. Bedford defined the teacher shortage in Saskatchewan in terms of qualifications as he stated:

At present only one rural high school student in five receives a given class from a teacher with as many as three university classes in the subject taught, contrasted with three out of four in the city schools. 22/

The school trustees of the province have appealed to the Department of Education and to the University of Saskatchewan to help alleviate this shortage. They feel that the university has aggravated the situation by (a) raising the entrance requirements to 65% and (b) placing a quota on the number of students allowed into the education faculties. They feel that the only way the shortage will ever be rectified is:

...to pry ourselves from our pet obsessions...-the university from its obsession with standards; the teachers from their obsession with salary levels; the trustees from their fear of outside trained teachers; and the Department of Education from its seeming inertia. 23/

(d) Alberta

In September 1966 the Alberta Department of Education conducted a survey of school superintendents in order to determine the magnitude of teacher shortages in Alberta. 24/ This survey showed that there was a shortage of 56 teachers in urban centres and 182 in the non-urban areas. In addition, there were 903 teachers (676 of whom were in rural areas) who were reported as having inadequate training for their current position and another 217 who were considered to be unsatisfactory for other reasons. Therefore the survey concluded that a net shortage of about 1,300 teachers existed in Alberta in September 1966.

Another report 25/ projects teacher supply and demand in Alberta for the next 10 year period. The highlights of these projections are as follows:

School Year	No. Teachers Required	Retained from Prev. Yr.	Other * Sources	Reg'd from Faculty of Education	Number of Students entering Faculty of Ed.
1966-67	16,304	13,165	1,620	1,519	1,421
1967-68	17,014	13,695	1,680	1,689	1,502
1968-69	17,696	14,292	1,690	1,764	1,591
1969-70	18,248	14,865	1,730	1,703	1,705
1970-71	18,682	15,328	1,700	1,704	1,860
1971-72	18,899	15,693	1,735	1,521	1,989
1972-73	19,213	15,875	1,740	1,648	2,184
1973-74	19,393	16,139	1,740	1,564	2,305
1974-75	19,816	16,290	1,745	1,831	2,349
1975-76	20,238	16,655	1,745	1,888	2,557

*Women re-entering the profession, from out of the province, etc.

The report therefore concluded that if the present trend in teacher demand and sources of supply continues then the numerical shortages in the province as a whole should decrease and disappear within a year or two. Furthermore that by 1970 the supply of teachers should be such that more careful selection will be permitted which will lead to improved quality of the teaching force. Even at this time however the urban centres will be in a much better position than the non-urban areas.

F. TEACHER TURNOVER

The turnover of teachers may be viewed from one of three aspects (a) the number of teachers who leave the teaching profession (b) the number of teachers lost to the teaching force within each province and (c) the number of teachers who resign from a school board for any of a number of reasons. For ease of understanding these will be referred to as (a) loss to the teaching profession (b) loss to the provincial teaching force and (c) turnover from school boards.

1. Turnover from school boards

Most resignations received by school boards are from teachers who are moving from one school board to another within the same province. The reasons for these changes are numerous but the most common are living conditions, cultural and educational facilities and, of course, salaries. Some observers feel that there is a distinct pattern associated with these moves. They feel that new teachers accept positions in rural areas in order to build up experiences and then move into the urban areas. The turnover of the total teaching force for the 9 provinces between the school year 1964-65 and 1965-66 was 22.4%. In descending order the turnover rate by province was:

Newfoundland	- 42.4%	Alberta	- 21.2%
Manitoba	- 39.2%	British Columbia	- 21.2%
Saskatchewan	- 28.9%	Nova Scotia	- 19.7%
Prince Edward Island	- 28.5%	Ontario	- 19.2%
New Brunswick	- 23.3%		

2. Loss to the Provincial Teaching Force

Every year there are a number of teachers who migrate from one province to another and are therefore lost as far as the provincial teaching force is concerned. Between 1964-65 and 1965-66 a total of 2.8% of the teaching force in 8 of the provinces 26/ moved from one province to another. In descending order the provinces lost the following proportion of their total teachers due to this migration:

Manitoba	- 4.0%	Prince Edward Island	- 3.2%
Alberta	- 3.8%	New Brunswick	- 2.1%
Saskatchewan	- 3.5%	British Columbia	- 1.7%
Nova Scotia	- 3.3%	Newfoundland	- 1.2%

3. Teaching Profession

To these migrating teachers must be added the number of teachers who leave the teaching profession. In this way, the proportion of total teachers lost to the provincial teaching forces in the 9 provinces between 1964-65 to 1965-66 was 12.5%. In descending order this loss by province was:

Newfoundland	- 14.0%	Saskatchewan	- 11.4%
Alberta	- 13.3%	Prince Edward Island	- 10.7%
Manitoba	- 12.8%	British Columbia *	- 10.1%
New Brunswick *	- 11.8%	Nova Scotia	- 10.0%

* 1963-64 to 1964-65

Reasons for Teachers Leaving the Provincial Teaching Forces

Percentages of Total Leaving

	<u>Newfoundland*</u>	<u>Prince* Edward Island</u>	<u>New Brunswick*</u>	<u>Nova** Scotia</u>	<u>Manitoba*</u>	<u>Saskat- chevan***</u>	<u>Alberta***</u>	<u>British* Columbia</u>	<u>Total</u>
Teaching outside the province	5	23	15	21	24	19	21	15	18
housekeeping duties	26	36	44	46	33	26	38	36	34
non-teaching occupations	26	14	15	11	12	5	7	18	12
return to university	41	24	17	13	23	39	26	21	27
death, retirement or other	$\frac{2}{100}$	$\frac{3}{100}$	$\frac{9}{100}$	$\frac{9}{100}$	$\frac{8}{100}$	$\frac{11}{100}$	$\frac{9}{100}$	$\frac{9}{100}$	$\frac{9}{100}$

*Between 1963-64 and 1964-65

**Between 1962-63 and 1963-64

***Between 1964-65 and 1965-66

The reasons for teachers leaving the provincial teaching forces as reported by the Dominion Bureau of Statistics 27/ are shown on the following table. The percentages shown are percentages of teachers who resigned between school years.

The Dominion Bureau of Statistics considers that all teachers who accept teaching positions outside the province plus those who except non-teaching positions or those who return to university as well as women who take up or return to housekeeping duties are lost to the profession. This somewhat overstates the attrition rate since those accepting teaching positions in other provinces are not lost to the profession. Similarly those returning to university (many of whom are on a paid leave of absence) are not really lost to the profession. Therefore the true attrition rate should only include (a) those entering or returning to household duties, (b) those entering non-teaching occupation and (c) deaths and retirements. On this basis the total loss to the profession between 1964-65 and 1965-66 in the eight provinces 28/ was 8.2% of the provincial teaching force. It is significant that only 1.8% left teaching to enter other non-teaching occupations. In descending order the loss to the profession by province was:

	Lost to housekeeping <u>duties</u>	lost to other non-teaching <u>occupations</u>	lost to the <u>profession</u>
Newfoundland	6.2	6.2	12.8
New Brunswick	6.3	2.2	9.7
Manitoba	5.5	2.0	8.8
British Columbia	4.0	2.1	8.2
Saskatchewan	4.8	0.9	7.8
Prince Edward Island	5.1	2.0	7.5
Alberta	5.3	1.0	7.3
Nova Scotia	4.5	0.8	6.6

In examining the reasons for the loss of teachers to the profession there are a number of annoyances within the teaching profession which many feel are behind much of the teacher turnover. For example in an editorial 29/ the Manitoba Teachers' Society suggested that some of the dissatisfactions causing teachers to leave the profession are,

- a "hold the line" policy that depresses salaries,
- overcrowded classrooms,
- staggered teaching hours,
- increased paper work,
- heavier demands of extra curricular activities,
- such as supervising halls, lunch rooms and loading and unloading of buses,
- increased content of many courses and pressure for higher standards yet inadequate preparation time, and
- housing accommodations in rural areas.

There has been little research conducted into the reasons for teacher dissatisfaction. One of the earlier studies indicated that the following factors cause teachers to leave the profession 30/:

- overzealous parents - and those who show no interest,
- overcrowded schools leading to unsuitable school accommodation,
- outside interference that breaks class concentration, and
- a salary scale lower than most professional groups.

Another study sampled a group of ex-Alberta teachers who left the profession to enter another occupation and found that,

1. The majority of the males in the sample quit teaching because,
 - (a) The salaries in teaching were too low, and
 - (b) The prestige of the male teachers was not adequate.
2. The single females quit teaching because,
 - (a) Most schools had heavy enrolment, too many grades and too many subjects,
 - (b) Schools were uncomfortable and unattractive. They lacked modern equipment, and
 - (c) The living accommodation available to teachers in many school districts was primitive.
3. The married women quit teaching because,
 - (a) Their families at home required their full time,
 - (b) There were no adequate teacherages to be had at a reasonable rent, and,
 - (c) They could not improve their qualifications without leaving their families to attend summer school. 31/

It is interesting to note the influence that rural locations had upon teacher dissatisfaction. For example, single female teachers reported limited cultural opportunities in the community, a lack of friends their own age, inadequate recreational facilities and primitive living accommodations. By primitive they were referring to:

Nearly two thirds of the boarding houses lacked three-piece bathrooms and adequate insulation: 61% lacked running water and 52% did not have a telephone. 32/

The results for the single male teachers was similar to that of the females in that 75% of the accommodations lacked bathrooms, 60% lacked running water and 35% had no electricity.

Since the time that this survey was conducted conditions in rural areas have been substantially improved. Many of the rural schools jurisdictions have been consolidated and new, modern schools constructed. In addition many of the rural school boards are now providing modern teacher-ages. Despite the improvement that has taken place the living conditions in the rural areas severely handicap the recruitment of teachers and is a major contributing factor for the high turnover of teachers.

The migration of teachers between provinces is the highest in the Western provinces where the migratory trend has been from Saskatchewan to Alberta and from Alberta to British Columbia. The accepted reasons for this migration has been salary levels plus climatic conditions. Recent recruitment activities by some of the larger school boards is increasing this migration. For example, in 1965 school boards from both Edmonton and Calgary started to personally recruit both teachers and education graduates from Manitoba. Such activity tends to increase this migration since,

The Pied Piper's tune has been the \$1,000 jump in salary a teacher would generally experience by moving from Manitoba to Alberta. 33/

The overall impact of such migration is gained by noting that in 1965-66 the percentage of the teaching force in each province whose original teaching certificate was issued in another province or country was:

Alberta	- 26.7	Ontario	- 6.1
British Columbia	- 24.9	Prince Edward Island	- 6.0
Manitoba	- 9.3	New Brunswick	- 5.9
Saskatchewan	- 8.0	Newfoundland	- <u>2.6</u>
Nova Scotia	- 7.2	TOTAL	- <u>11.0</u>

Thus we can conclude that the provinces receiving the greatest proportion of teachers from other provinces are Alberta and British Columbia while the provinces supplying the greatest number are Manitoba, Alberta and Saskatchewan. The case of Alberta is very interesting since it receives teachers (from Saskatchewan and Manitoba) and supplies teachers (to British Columbia).

G. THE TEACHER SUPPLY

The three major sources of teacher supply are teacher training institutes (teachers' colleges and universities), recruitment from other countries and women returning from household duties. Table 11 (Appendix A) shows that 63% of the teachers recruited in 1965-66 came from educational institutions. It is therefore to this source that we must look for the supply of teachers to fill the existing demand. Table 12 (Appendix A) reports the enrolment in Canadian faculties of education. As shown, enrolment has more than doubled over the six year period whereas total undergraduate enrolment increased by less than 75 percent. Hence education is assuming a larger proportion of total undergraduate enrolment. It should also be noted that the growth of the education faculties has been particularly significant in the Western provinces.

It is interesting that despite the growth of the education faculties in Western Canada, the Alberta Teachers' Association concludes:

...that teaching has become less attractive to high school matriculant, graduates from other faculties and to males. 34/

They reach this conclusion since their survey showed that:

- (a) the number of graduates from arts, science, physical education and household economics entering the faculties of education in Alberta dwindled from 49.5% in 1961-62 down to 33.1% in 1963-64; and
- (b) fewer high school matriculants are entering education; 36% of the matriculants entered education in 1961-62 but only 28% entered education in 1963-64.

A study in Ontario tends to support the ATA conclusion. This study showed that:

...high school teaching tended to attract mediocre male graduate while the bright one chose other lines of work. The study showed that female students going into education rated higher than the men. 35/

Another indication of the growth in Canadian faculties of education has been the increase in the number of students graduating from faculties of education as compared to those graduating from all other faculties. Table 13 (Appendix A) shows that the number of education graduates increased by over 230 percent whereas the total number of students graduating from all faculties combined increased by only 100 percent from 1956-57 to 1964-65.

Therefore, if the teacher shortage is to be rectified more attention must be placed upon attracting students into the education faculties.

The most recent study available concerning the reasons students select education was conducted in 1955 and concluded: 36/

- (i) that one third of those who go into teaching make their decision before the grade 12 year. Therefore selective recruitment should begin prior to this time;
- (ii) the most frequent reasons for choosing teaching are idealistic ones, therefore high school students should be approached on the basis of service to society;
- (iii) parents are the most important influence in causing students to choose teaching, therefore information about teaching as a career must get into the homes;
- (iv) the effect of teachers upon the decisions of students to enter the profession is strong; and
- (v) the chief influence against choosing teaching as a career is adverse public opinion.

H. CLASS SIZE

As suggested earlier the problem of teacher shortage becomes clouded because of the flexibility that exists in the size of classes. In the larger school systems much of the teacher shortage is hidden through an adjustment in the size of the classes. Teachers, on the other hand, are very concerned over the number of pupils per class since it directly affects both their teaching efficiency and their work load. Table 14 (Appendix A) shows the average number of pupils per teacher in each province from the year 1956-57. As shown in 1964-65 the ratio ranged from 28.2 pupils in British Columbia down to 23.9 pupils per teacher in Saskatchewan.

Another indication of the classroom size problem can be gained by examining the number of large classes that exists in each province. In 1965-66 there were the following number of classes with between 40 and 59 students in each province:

Newfoundland	508	Manitoba	94
Prince Edward Island	9	Saskatchewan*	104
Nova Scotia	400	Alberta	103
New Brunswick	151	British Columbia	<u>579</u>
Ontario	1,702	TOTAL	<u>3,650</u>

*For 1964-65

In addition, there were 2 classes in Newfoundland, 3 in Nova Scotia, 62 in Ontario, one in Alberta and 8 in British Columbia which had in excess of 60 pupils.

REFERENCES

- 1/ In fact, because of the Quebec governments unwillingness to cooperate with the Dominion Bureau of Statistics, many of the national averages only cover nine provinces. In these instances, one half of the teachers reported are in Ontario and therefore the Ontario figures dominate the national averages. This distribution also influences the policies of the Canadian Teachers' Federation. Since the 55,000 member Corporation des Enseignants du Québec is not a member of the Canadian Teachers' Federation, the Ontario Teachers' Federation holds the voting power in the C.T.F. The Ontario Teachers' Federation is therefore able to strongly influence Canadian Teacher Federation Policies as shown by their successful defeat of a motion to increase Canadian Teacher Federation dues at the 1967 Canadian Teachers' Federation Convention.
- 2/ For 1964-65, data for 1965-66 is not available.
- 3/ Although some claim that women are still discriminated against as exemplified by the domination of supervisory and administrative positions by males.
- 4/ Except perhaps in Newfoundland where the males as a percent of total teachers dropped by 2% in 1965-66. All of this decrease occurred in the rural areas.
- 5/ See Appendix A, Table 6.
- 6/ Junior matriculation is the entrance requirement for a four year general arts program.
- 7/ Usually 6 weeks but sometimes 12, 18 or 24 weeks.
- 8/ Gouvernement du Québec, Ministère de l'Éducation, Statistiques de l'enseignement 1966-67, Personnel enseignants, Diplômes Universitaires, 180 pp.
- 9/ However, only 14% of the total teaching force are religious teachers.
- 10/ Quebec information for 1966-67. If these secondary teachers are separated on the basis of lay and religious teachers, we find that 41 percent of the lay secondary teachers are degreed, compared to 50 percent of the religious secondary teachers.
- 11/ Sheffield E.A. "Demand + Supply in the Teaching Profession", Canadian Conference on Education, (Ottawa Mutual Press 1958).
- 12/ Assuming 1 teacher is added for every class of 40-59 students and 2 teachers for every class of 60 or more pupils.
- 13/ Actual number unknown, so Dr. Sheffield's estimate is used.
- 14/ Francis N., "Teachers in Canada: Supply and Demand" Canadian Education and Research Digest, March 1967, p. 54.

- 15/ "A serious Teacher Supply Problem", The N.T.A. Journal Oct. 1966, p. 4.
- 16/ "A teacher Recruitment Problem", The N.T.A. Journal, Dec. 1966, p. 6.
- 17/ Kitchen H.W., "Increasing the Supply of Qualified Teachers", The N.T.A. Journal, Dec. 1966, p. 16.
- 18/ Ibid., p. 20.
- 19/ Newfoundland is the only province where this is done. British Columbia, Alberta, Saskatchewan require equivalent of 3 years after junior matriculation.
- 20/ Ibid., p. 23.
- 21/ Halifax Chronicle Herald, June 22, 1965.
- 22/ Bedford cm., Teacher Demands and Supply in Saskatchewan 1961-62, 1969-70 "paper delivered at Kenosee Conference" June 1963 (memo page 3).
- 23/ "Teacher Supply, the Old Bogey", The School Trustee, April 1966, p. 5.
- 24/ Report on Teacher Shortage and Recruitment (Edmonton: ASTA, Oct. 1, 1966.)
- 25/ Teacher Demand and Supply in Alberta (Edmonton: ATA, May 18, 1966.)
- 26/ Excluding Quebec and Ontario.
- 27/ DBS, Salaries and Qualifications of Teachers in Public Elementary and Secondary Schools, Table 25.
- 28/ Excludes Ontario and Quebec.
- 29/ "Teacher Supply", The Manitoba Teacher, September - October 1965, p. 3.
- 30/ Katz S., "The Crisis in Education", Maclean's Magazine, March 1, 1953, p. 2.
- 31/ Murray, TH, "An Investigation into the Annoyances and Frustrations which cause Alberta Teachers to Quit Teaching", Alberta Journal of Educational Research, September 1955, p. 32.
- 32/ Ibid., p. 19.
- 33/ Winnipeg Tribune, January 12, 1965.
- 34/ "Not as Attractive"? The ATA Magazine, June 1964, p. 4.
- 35/ "Teachers and Mediocrity", Ottawa Journal, August 6, 1965.
- 36/ Clark SCT., & W. Pilkington, "Why Teaching is Chosen as a Career", Alberta Journal of Education Research, March, 1955, p. 51.

CHAPTER IV

THE RIGHT TO BARGAIN

One of the primary reasons for the formation of teachers' occupational organizations was the need for a vehicle through which teachers could seek to improve their economic position. Teachers had already learned that school boards could not be relied upon unilaterally to pay what teachers considered to be "reasonable" salaries. They also realized that to achieve economic improvement would require united action by all teachers. As the teachers' associations developed, the following five alternative courses of action were open to them.

- (a) seek voluntary recognition from the employing school boards,
- (b) seek certification and bargaining rights as a trade union, under the existing labor act, in some provinces,
- (c) seek statutory membership and unilaterally establish minimum salaries below which no teacher would agree to work (similar to the medical profession),
- (d) seek statutory bargaining rights through special legislation, or
- (e) appeal to the government to establish statutory minimum or standard salaries.

Most of the provincial associations explored the possibility of seeking bargaining rights as a trade union, but rejected it as being in conflict with their professional objectives. In addition, all provincial governments refused to grant statutory membership to teachers and therefore this alternative was closed to the teachers. Thus initially the only acceptable alternative open to most associations was voluntary recognition which most of them sought and obtained during the 1920's and early 1930's.

Although the actual dates when such voluntary recognition was granted by school boards varied from one province to another, the same pattern of development existed in all provinces. The associations first found their organizational strength in certain school jurisdictions (in some provinces these were urban jurisdictions while in others they were rural) and initially concentrated their attention upon these teachers. As a consequence, in all provinces teachers were able to exert pressure and obtain "voluntary" recognition by some school boards considerably before it was granted by others. This resulted in salaries paid to teachers with the same qualification varying considerably between school jurisdictions within the same province.

Teachers began to seriously question the value of voluntary bargaining during the depression of the 1930's. Teachers found that most of the advances made through voluntary negotiations during the 1920's were unilaterally removed by the trustees during the early 1930's. For example, in Alberta the average annual teacher's salary dropped from \$1,160 in 1921 to \$746 in 1933. ^{1/} The associations realized that before any significant permanent improvement could be made in teachers' salaries they, like the trade unions, would have to achieve compulsory recognition. It was therefore concluded that voluntary recognition had failed and many of the associations

turned their attention to the achievement of statutory membership. It was felt that, once statutory membership had been obtained, compulsory bargaining would come almost as a natural second step. This was the general pattern followed in most provinces. The specific development in the various provinces was as follows:

(a) British Columbia

The British Columbia Teachers' Federation (B.C.T.F.) was incorporated in 1919 under the Benevolent Societies Act and as such there was no obligation on the part of either the local school boards or the Department of Education to recognize let alone bargain with it. However in that same year the teachers in the Victoria Teachers' Association went on a two day strike. 2/ The school board appealed to the Department of Education to take action against the teachers but the Department instead mediated a settlement satisfactory to the teachers. By so doing, the Department recognized the Federation and provided the first form of official recognition by a provincial government of the teachers' right to bargain. As a direct result of this strike the Government also amended the Public Schools Act so that a school board "could" enter into an agreement with its teachers and they provided a form of voluntary arbitration which the parties "could" use.

Another strike, this time by the New Westminster Teachers' Association in 1921, clearly pointed out the weaknesses of the voluntary arbitration procedure in the Act. These weaknesses were, (i) no provision for compulsory arbitration, (ii) no recognition of a teachers' association or the B.C.T.F. as the official bargaining agent for the teachers, and (iii) no provision enabling or compelling a board to pay the additional salaries awarded by the arbitration board. Despite these problems, it was not until

1937 after considerable lobbying by the Federation that the government revised the Act so as to provide compulsory arbitration in teacher salary disputes and an implicit recognition of their right to bargain. Thus in 1937 arbitration became a "right" for the teachers rather than a privilege sometimes granted by a school board. The compulsory nature of the arbitration provision in the Act was tested and upheld in the courts in 1939 when the Langley school board refused to have their salary dispute submitted to arbitration. As a result, since 1939 teacher salary disputes have been settled through a process in which compulsory arbitration is the final step.

Prior to 1958, British Columbia teachers did not, in fact, have the explicit "right" to bargain, although most school boards voluntarily agreed to bargain with them. The Act at that time gave the trustees the right and duty to fix salaries and did not specifically state that they had to negotiate with their teachers. In 1958, 26 school districts "fixed salaries" in accordance with the Act and refused to negotiate with the teachers. The B.C.T.F. reacted to the trustees' actions by forcing 58 school districts to arbitration under the provisions of the Act. This, of course, produced considerable pressure on the Department of Education and on the school boards. The result was that the Government amended the Act so as to provide teachers with the full right to bargain for salaries. It can therefore be said that it took the B.C.T.F. almost 40 years of struggle before they obtained the "right" to bargain.

(b) Alberta

The Alberta Teachers' Association was the first teachers' association in Canada to obtain the statutory right to bargain with school boards on behalf of its teachers. This right came in 1941 with the passage of the

Industrial Conciliation and Arbitration Act. As a result of considerable lobbying by the ATA, the definition of "employee" in this Act stipulated that it "...shall include every teacher employed...." 3/ When this Act was replaced by the Alberta Labour Act in 1947 all direct references to teachers were deleted. However, teaching was not specifically excluded from coverage under the Act as were the other professions such as the medical, dental, architectural, engineering and legal professions. Thus teachers are considered to be employees under the Act and thereby have the same rights as industrial employees — including the right to form unions, bargain and strike. Hence since 1941 in Alberta, teachers and school trustees have been required to meet and bargain collectively the "rates of pay, hours of work, or other terms or conditions of employment". 4/

(c) Saskatchewan

A salary schedule "to cover various classes of teachers and schools in the province has been an objective of the Saskatchewan Teachers' Federation (S.T.F.) since its inception in 1933". 5/ Prior to 1945, the Federation sought the attainment of this objective through minimum salaries established by the provincial government since bargaining with the 5,000 individual school boards that existed at that time would have been virtually impossible.

For six years (1933 to 1939) the Federation attempted to arouse public sympathy and precipitate government actions but it took until 1940 before they were able to obtain a statutory minimum salary. The salary established was \$700 a year. This statutory minimum salary was only obtained after three-quarters of the teachers in the province signed a pledge that they would not accept a teaching position for less than the \$700 annual salary.

By 1946, when seventy-five percent of the school jurisdictions in the province had been consolidated into larger units, a system of voluntary collective bargaining began to emerge. At first, a three-man provincial salary committee (representing the S.T.F., the Saskatchewan School Trustees Association and the Department) was formed. This committee established a recommended salary schedule and requested that teachers and boards negotiate locally using their recommendation as a guide. By the end of 1946 salary schedules were in effect in all the larger units but most of these schedules were unilaterally established by the school board. By the end of 1947 most of the salary schedules had been established after negotiations with the teachers. At this time trustees were experiencing difficulty in recruiting teachers and were therefore reasonably receptive to voluntary negotiations.

The teachers recognized that their position in these voluntary situations was very weak and in 1946 the Federation initiated steps to have its locals become certified bargaining units under the Industrial and Conciliation Act. The Minister of Education was reluctant to make negotiations compulsory, particularly under the "industrial" Act. He therefore established the following procedure for the parties to follow in bargaining on a voluntary basis:

- a) that either party has the right to ask for the setting up of a salary schedule or for the review of an existing salary schedule;
- b) that a negotiating committee be set up within the Unit having an equal number of representatives of teachers and trustees and it would be the work of this committee to study and to try to reach an agreement...;
- c) if there are points on which the negotiating committee could not agree, these points of differences should be referred to a Unit of Arbitration Board composed of three members - a teacher appointee, a trustee appointee, and a chairman agreeable to both; and

- d) providing that the decision of the Unit Arbitration Board was not acceptable to either party, the matter under dispute should be referred to the Provincial Arbitration Board composed of three by the Teachers' Federation, and a chairman to be appointed by the two representatives mentioned above. 6/

In 1948, the three-man provincial salary committee issued another recommended salary guide but it was rejected by the larger school units section at the trustees' convention. This and other statements by trustees, reinforced the teachers' apprehension about voluntary negotiations and they again requested that the government grant them statutory bargaining rights. To their request the Minister replied:

I have been taking the stand over the last several years that it was worth while trying to establish this procedure on a voluntary basis. I took the position that if we could work out this procedure without legislation then in the end we would have a more solid basis because we would have built the entire thing upon confidence and goodwill. 7/

However by 1949 both the teachers' and the trustees' associations were in agreement with the principle that teachers should legally have the right to bargain. Hence The Teachers' Salary Negotiation Act was passed in 1949 which gave the teachers the statutory right to bargain collectively with school boards for salaries. 8/

(d) Manitoba

Between 1919, when the Manitoba Teachers' Society was organized, and 1948 the teachers in Manitoba did not have the right to bargain. Although some boards did bargain voluntarily during this period, most boards either bargained with individual teachers or unilaterally established salaries. With the passing of the Labour Relations Act in 1948 local branches of the Manitoba Teachers' Society qualified along with local trade unions as

bargaining units. Most teachers' locals applied for and were granted certification which gave them the statutory right to bargain. The concept of collective bargaining initially received strong opposition from school boards and from many teachers. As a result, the Society had to devote much of its early efforts to selling the collective bargaining concept to both trustees and teachers alike.

A number of salary agreements were negotiated during the late 1940's and early 1950's but as time went on trustee opposition to collective bargaining mounted. The trustees began to take active steps to have the teachers excluded from the "private sector". Trustee opposition increased when "the Manitoba Urban School Trustees' Association was formed (in 1952) to combat the collective bargaining operations of the Manitoba Teachers' Society". 9/ In 1953, the trustees' Association presented a brief to the government claiming that teacher collective bargaining activity was in conflict with the individual teaching contracts (form G) and therefore was illegal. The brief also stated that bargaining with teachers was outside the authority of a board of trustees. They requested that the Industrial Relations Commission exclude the teachers from the Act. In response, the Society told the Commission that:

The teachers' Society is not particularly interested under which act they come. What they do want, however, is the provision for proper machinery for negotiation and for conciliation of disputes which arise between the School Districts and teachers' organizations from time to time. At the present time adequate machinery is provided by the Manitoba Labour Relations Act and such machinery is completely lacking under the Education Department Act. 10/

The outcome of this conflict was that both parties withdrew their briefs from the Commission and a series of meetings were held which resulted in the parties submitting joint proposal to the Government in 1955. This

joint proposal led to a 1956 amendment to the Public Schools Act which:

- (i) established an advisory committee of teachers, trustees and the Department of Education for teacher selection and certification,
- (ii) transferred collective bargaining rights from the Labour Relations Act to the Public Schools Act with provisions for conciliation and compulsory arbitration,
- (iii) gave teachers the right to be heard before being judged in regard to allegations,
- (iv) gave teachers security of tenure after 2 years' service with a school district, and
- (v) provided for the deduction of Society fees at source.

Thus in 1956 the teachers' right to bargain was transferred from the Labour Relations Act to the Public Schools Act and by so doing the teachers voluntarily gave up the right to strike.

(e) Ontario

Teachers in Ontario do not have the statutory right to bargain. "Teachers" are specifically excluded from the Ontario Labour Relations Act and no other statute provides bargaining rights for them. Ontario presents a rather unique case in that the teachers have neither sought to obtain bargaining rights nor have they attempted to have the government establish minimum provincial teachers' salaries. Both teachers and trustees in Ontario have always tried to minimize the amount of government assistance or interference in trustee-teacher relations. As a result, the Ontario Teachers' Federation and the Ontario School Trustees' Council have followed the practice of developing "gentlemen's agreements" covering problems and procedures relating to teacher-trustee relations. These "gentlemen's agreements" take the form of an exchange of letters between the Federation and the Council which form a sort of "common law" governing the relations between the parties. (This practice is quite frustrating to the researcher

since he is unable to document the situation as one can in the other provinces.)

In examining teacher-trustee relations in Ontario one continually runs across "gentlemen's agreements" between the Federation and the Council. After examining the details contained in the legislation in the other provinces one cannot help but be impressed with the degree of understanding and trust that exists between the parties in Ontario. Naturally the liaison and communication between the parties is also very good. Both parties feel that one of the reasons for the quality of the relationship that exists between them is because there is no legislation governing or requiring such relations. Because there is no legislation to rely on or to force the parties together they must rely on themselves to get together and work out their problems rather than calling for help from the government. They feel that this is a sophisticated and professional approach and would rather take this course of action and be responsible for their actions than rely on the government to solve their problems or to take a hardline union - management approach to their problems.

One of the first of these "gentlemen's agreements" was the understanding that there would be negotiations at the local level between the school trustees and the local teachers' associations. Thus while the teachers in Ontario do not have the statutory right to bargain, they have been bargaining for almost twenty years under an effective "voluntary" system.

(f) Quebec

The definition of "employee" in the original Quebec Labour Relations Act did not specifically exclude teachers. Thus, legally, teachers in Quebec

could have sought certification and achieved the right to bargain as early as 1944. However, it was not until the early 1950's that teacher organization started to exercise this right. There were three reasons why teachers did not utilize the provisions of the Labour Relations Act sooner. First, the Provincial Association of Catholic Teachers and the French-Catholic teacher associations (which later merged to form what is now the Corporation des Enseignants du Quebec) were dominated by religious brothers and sisters who were opposed to the use of such procedures. Second, the Provincial Association of Protestant Teachers (PAPT) considered the use of the procedures of a "trade union" Act to be unprofessional. Third, the passing of An Act Respecting Municipal and School Corporations and Their Employees in 1949 removed much of the need for teachers to use the provisions of the Labour Relations Act. The Municipal and School Corporations Act gave the teachers in the cities and towns the right to have any dispute, including a salary dispute, arbitrated. This Act was extended to apply to rural teachers in 1959. While negotiations or the right to bargain were not specifically mentioned in the Act, the teachers felt that if they had the right to arbitrate a salary dispute, they in turn had the right to negotiate.

During the 1950's many of the locals of the Corporation des Enseignants du Quebec (CEQ) and the Provincial Association of Catholic Teachers (PACT) became certified under the Labour Relations Act and thus obtained the right to bargain. The Provincial Association of Protestant Teachers did not, however, resort to the provisions of the Act but were instead "voluntarily" recognitioned by the protestant school boards. In 1964, the Labour Relations Act, and other related statutes were repealed and replaced by the Quebec Labour Code. This Code was amended in 1965 so as to specifically apply to teachers and most of the PACT and CEQ local associations became

certified and thereby obtained the legal right to bargain. As a result of this amendment most of the PAPT local associations also felt it necessary to become certified out of fear of being "raided" by the Confederation of National Trade Unions. Thus, while the right to bargain has been available to Quebec teachers since 1944 and has been utilized by some teachers since the early 1950's, it was 1965 before the majority of the teachers in Quebec legally obtained the right to bargain.

(g) New Brunswick

Prior to December 1968 the teachers in New Brunswick did not have the legal right to bargain. They were specifically excluded from the provisions of the Labour Relations Act and no other statute gave them bargaining rights. Up to 1967 local school boards were responsible for establishing teachers' salaries and most had voluntarily granted informal bargaining "rights" to their teachers. With the passing of a new School Act in January 1967 the provincial government assumed full responsibility for the provision and financing of elementary and secondary education in the Province. This Act empowered the Lieutenant-Governor in Council to establish province-wide salary scales. Thus the determination of teachers' salaries became the responsibility of the provincial Government and an "interim" provincial salary schedule became effective January 1, 1967, which was voluntarily "negotiated" between the Minister of Education and the New Brunswick Teachers' Association.

The Government accepted the recommendation of the 1966 Royal Commission on Employer-Employee Relations in the Public Services of New Brunswick and passed a Public Service Labour Relations Act in December 1968. With the Passing of this Act the New Brunswick teachers were granted the right to

select a bargaining agent which would bargain with the Government on behalf of the teachers of the Province. Thus while the teachers in New Brunswick have bargained on a voluntary basis for a number of years, the statutory right to bargain was not granted to them until December 1968.

(h) Nova Scotia

Prior to the amendment of the Nova Scotia Teacher's Union Act in 1953, there was no legislation concerning collective bargaining for teachers in Nova Scotia and virtually no teacher-trustee negotiations were conducted. Before 1953 the Nova Scotia Teachers' Union (NSTU) was primarily concerned with trying to convince the Provincial Government to establish a province-wide minimum salary scale. The school boards in the province were strongly opposed to the concept of teachers bargaining. Even as late as 1951 most school boards (except for a few cities) were still paying the minimum salary scale established by the Government in 1947. At this time all the Teachers' Union's attempts to obtain the legal right to bargain had been refused by the Government. The teachers reacted by voting in 1951 in favor of affiliating with the labour movement 11/ and in 1952 in favor of the use of strike action. 12/ With this mandate, the NSTU attempted to exert pressure on the Government by calling for a province-wide strike in 1952. However, the strike motion was overwhelmingly defeated when voted on by the teachers, and the only teachers who actually walked out of the classrooms were those in Cape Breton and Antigonish. Although the actual strike attempt failed, it resulted in the Government amending the Nova Scotia Teachers' Union Act in 1953 so as to incorporate permissive machinery for negotiating teachers' salaries. This amendment was of limited effectiveness since it did not compel school boards to either negotiate or take part in conciliation

hearings. It was not until after a strike threat by the Sydney teachers that the Act was again amended in 1957 to make conciliation mandatory if requested by either party. Thus, although negotiation machinery was included in the Act in 1953, the teachers of Nova Scotia did not obtain the "right" to bargain until 1957.

(i) Prince Edward Island

The teachers in Prince Edward Island are specifically excluded from the Industrial Relations Act and no other statute contains any collective bargaining provisions applicable to them. Thus, the teachers in Prince Edward Island do not have the right to bargain and in fact do not bargain collectively.

(j) Newfoundland

The term "employee" in the Labour Relations Act may be interpreted to include teachers. An "employee" may be "a person employed to do skilled or unskilled manual, clerical or technical work" and the teaching profession is not one of the professions that are specifically excluded from the provisions of the Act. 13/ However, neither the Newfoundland Teachers' Association nor the Department of Education consider that teachers come within the scope of the Act. In addition, teachers have not requested to be certified under this Act and therefore do not have the rights available under it. Since no other statute contains collective bargaining provisions for teachers, the teachers of Newfoundland do not have the right to bargain and have not been granted this right voluntarily.

(k) Conclusions

The foregoing analysis reveals that teachers in the provinces of British Columbia, Alberta, Saskatchewan, Manitoba, Quebec, New Brunswick 14/ and Nova Scotia all have the legal right to bargain. Therefore the teachers' bargaining agents in these provinces can compel school boards 15/ to meet and bargain with them. Teachers do not have this right in Ontario, Prince Edward Island or Newfoundland. Teachers in Ontario, however, do not appear to need the "right" to bargain since the Ontario School Trustees' Council has agreed voluntarily to grant teachers this right. Thus on the strength of this informal understanding, rather than any statutory enactment, teachers in Ontario do negotiate with their school boards. In both Prince Edward Island and Newfoundland, the teachers' associations may present briefs to the government concerning salary levels but the presentation of these briefs cannot be considered to be negotiations. The teachers' associations in these two provinces do not appear to be particularly concerned about obtaining the right to bargain.

In most provinces the seeking of the right to bargain by teachers was met with considerable resistance from the departments of education, school trustees and some teachers. In most cases this right was only obtained after a long period of struggle. Participation in the determination of salaries was one of the initial purposes of establishing most teachers' associations, but the statutory right to bargain was not obtained until 1941 in Alberta, 1948 in Manitoba, 1949 in Saskatchewan, 1957 in Nova Scotia, 1958 in British Columbia, 1965 in Quebec and 1968 in New Brunswick. Although the right to bargain was not obtained until these dates, teachers in most cases negotiated on a voluntary basis much earlier. Thus, teachers

have the legal right to bargain in seven provinces, have been effectively given this right voluntarily in one province and do not have the right to bargain in the remaining two provinces.

REFERENCES

- 1/ A.T.A. Magazine, Vol. 13, No. 9, p. 6.
- 2/ This strike is cited as the first teachers' strike in the British Empire.
F.H. Johnson, A History of Public Education in British Columbia, (Vancouver: University of B.C. Press, 1964) p. 240.
- 3/ The Industrial Conciliation and Arbitration Act, Chapter 20, Statutes of Alberta, (1941), Section 2 (e).
- 4/ The Alberta Labour Act, Chapter 167 Part V, Statutes of Alberta, (1955) Section 55 (1) (c).
- 5/ Submission to the Committee of Inquiry on Teacher Salary Negotiation Procedures (Regina: Saskatchewan Teachers' Federation, April 4, 1966) p. 5.
- 6/ Ibid., pp. 11 - 12.
- 7/ Ibid., p. 14.
- 8/ This right was transferred to the Teacher Salary Agreements Act in 1968.
- 9/ McMaster, T.D., "Prelude", The Manitoba Teacher, March/April, 1955.
- 10/ Ibid.
- 11/ In 1951, a province-wide referendum voted in favor of affiliation with the labour movement 1,124 to 918. The teachers, however, did not affiliate and in 1955 the Council passed a motion not to affiliate with labour.
- 12/ In 1952 the teachers voted in favour of the use of strike action, 1,658 to 952.
- 13/ Labour Relations Act (Newfoundland) R.S.N., 1952, C. 258, S.2(i).
- 14/ As of 1968.
- 15/ Or in the case of Quebec and New Brunswick it is the government.

CHAPTER V

LEGISLATION GOVERNING COLLECTIVE BARGAINING

A. RESPONSIBILITY FOR LABOUR RELATIONS

Sections 91 and 92 of the British North America Act established the jurisdictions of authority of the federal and the provincial governments. In 1867, when the BNA Act was enacted, the labour movement in Canada was in its infancy and the "Canadian Constitution" therefore, failed to allocate the responsibility for labour relations. As a result, the courts were relied upon to distribute this responsibility. The Federal government first assumed responsibility for labour relations in Canada by passing the Industrial Disputes and Investigations Act in 1907. The constitutionality of the Federal government's jurisdiction was tested and upheld in 1911, but was again challenged and defeated in 1925. 1/ After 1925, the provincial governments either passed "little IDI Acts" or agreed to extend coverage of the IDI Act to their respective provincial industries. These actions initially established a uniform policy on labour relations across Canada. As might have been expected, such uniformity did not last long. Starting in 1934, one province after another introduced modifications and altered the principles originally established by the Federal legislation. By 1935 it became evident that the provinces had taken charge of their own labour relations problems and had accordingly established their own policies. As

a result of this development, there is a strong similarity in the underlying philosophy of public policy on labour relations in each province but the approach varies substantially from one province to another.

Thus, since 1925 the major responsibility for labour relations in Canada has been in the hands of the provincial governments. 2/ Therefore, with the exception of those teaching the Indians and the Eskimos, the provincial governments are responsible for the control and regulation of labour relations affecting teachers.

B. DEVELOPMENT OF THE LEGISLATION

Labour relations in Canada were controlled during the first quarter of this century by the federal Industrial Disputes and Investigation Act. The influence of the federal legislation started to diminish in 1934 when Quebec passed its Collective Labour Agreements Extension Act. This was followed by the passing of Industrial Standards Acts in Ontario and Alberta in 1935, in Nova Scotia in 1936, in Saskatchewan in 1937 and in New Brunswick in 1939. Greater provincial control was taken by Nova Scotia in 1937 when it passed the Trade Union Act and by British Columbia with its Industrial Conciliation and Arbitration Act. Similar measures were taken in 1938 by Alberta with its Industrial Conciliation and Arbitration Act; by Manitoba with its Strikes and Lockouts Prevention Act; by New Brunswick with its Labour and Industrial Relations Act; and by Saskatchewan with its Freedom of Trade Union Association Act. After the enactment of these initial provincial labour relations statutes, the provinces quickly assumed full control over their labour relations jurisdictions.

The provinces have generally followed one of four legislative approaches in exercising their control over labour relations affecting teachers. One approach was to include teachers, along with other industrial employees, under the province's "general" labour relations statute. This was done in Alberta in 1941 with the passing of the Industrial Conciliation and Arbitration Act (now the Alberta Labour Act) and in 1965 in Quebec with the amending of the Labour Code (as modified by Bill 25 in 1967). Thus teachers in these two provinces automatically received the same rights and privileges granted to industrial employees. A modification of this approach was followed in 1968 by New Brunswick when teachers were included under the Public Service Labour Relations Act and granted the same rights given to others in the provincial public sector. A second approach was to include provisions specifically designed to control labour relations affecting teachers in the Public School Act. This approach was followed by British Columbia in 1958 and by Manitoba in 1956. The third approach was to enact a special statute to cover teacher-trustee labour relations. This approach was followed in Saskatchewan with the passing of the Teachers' Salary Negotiations Act 3/ in 1949 and in Nova Scotia with the passing of the Nova Scotia Teachers' Union Act in 1953. The fourth approach was not to establish any labour relations legislation applicable to teachers. This is the case in Newfoundland, Prince Edward Island and Ontario. 4/

C. REGULATORY BODIES CONTROLLING TEACHER LABOUR RELATIONS

Of the seven provinces that have enacted labour relations legislation applicable to teachers, all but Nova Scotia have established an administrative-judicial body empowered to control teacher labour relations. While the general powers of these bodies are similar, the composition differs from

one province to another. These bodies are as follows:

- (a) British Columbia - The Council of Public Instruction which is composed of the Minister of Education and other members of the provincial Cabinet. Most decisions of the Council are in fact really decisions of the Minister of Education.
- (b) Alberta - The Board of Industrial Relations which control labour relations for both the teachers and the entire private sector. This Board is chaired by the Deputy Minister of Labour and has two members named by the Trades and Labour Council and two by the Canadian Manufacturing Association.
- (c) Saskatchewan - The provincial Cabinet is the designated body to regulate teacher-trustee relations. Thus, in most cases the actual decisions are made or regulations formulated by the Minister of Education.
- (d) Manitoba - It is the Collective Agreement Board which supervises the procedures used for negotiating teachers' salaries. This Board is chaired by the Deputy Minister of Education and has one representative from each of the two trustees' associations and two members from the Manitoba Teachers' Society. These members are appointed for a three year term and are alternatively rotated. The function of this Board is very similar to that of a board of industrial relations for the private sector.
- (e) Ontario - The teachers' Federation and the trustees' Council have established a joint committee which performs much the same function as a labour relations board in the private sector.
- (f) Quebec - The Quebec Labour Relations Board is responsible for not only

private sector labour-management relations but also for teacher-trustee relations at the local level (but not at the provincial level). This Board is composed of a Chairman, five vice-chairmen, and four employer and four employee nominees.

(g) New Brunswick - Since 1968 the Public Service Labour Relations Board is responsible for regulating all public sector labour relations, including those of the teachers. This Board is composed of a chairman, a vice-chairman and two employer and two employee representatives.

It therefore becomes evident that Manitoba and Ontario are the only provinces where teachers have a voice on the body regulating their labour relations. In British Columbia and Saskatchewan this body is completely under the control of the Minister of Education whereas in New Brunswick, Alberta and Quebec, the regulating body is out of the direct control or influence of the teachers, the trustees or the Minister of Education.

REFERENCES

- 1/ Toronto Electric Commissioners Snider, Appeal Cases, 1925.
- 2/ With the exception of those employed in navigation, shipping, broadcasting, air transportation and extra-provincial railway, telegraph and other undertakings declared by the Parliament of Canada to be for the general advantage of Canada or for two or more provinces. - Section 53, Industrial Relations and Disputes Investigation Act.
- 3/ Replaced by the Teachers' Salary Agreements Act in 1968.
- 4/ Note that Ontario's lack of labour relations legislation applying to teachers has been due to the insistence of the Ontario Teachers' Federation and the Ontario School Trustees' Council.

CHAPTER VI

THE SCOPE OF NEGOTIATIONS

A. The Bargaining Unit

Unlike the private sector, there has been relatively little concern over the defining and the establishing of bargaining units for teachers in most provinces. Except where specifically determined by legislation in Saskatchewan, Quebec and New Brunswick, the bargaining units generally conform to the size of the local school jurisdiction. The scope of these bargaining units generally includes all those in the schools who hold a teaching certificate. The only exception is that principals and in some cases vice-principals have elected to opt-out of the teachers' bargaining unit in a few instances and have established their own bargaining units in a couple of the provinces. In those provinces where the teacher-trustee relations are controlled by either the Minister of Education or a special teacher-trustee body, the bargaining units have in practice been established to conform to the wishes of the teachers. Similarly, the labour relations boards in Alberta and Quebec have tended to bend their private sector precedents so as to conform to the desires of the teachers.

Historically bargaining first developed at the local level so naturally the bargaining units initially conformed to the size of the school jurisdiction. There has, however, been a tendency over the past few years

towards the establishment of larger bargaining units. In some provinces this move was initiated by the government and in other provinces by the trustees. Teachers in all provinces have been opposed to such a move. As a result of this opposition, the move to province-wide bargaining units was accomplished unilaterally at the insistence of the governments in Quebec in 1967 and New Brunswick in 1968 as was the move to area bargaining units in Saskatchewan in 1968.

In all the provinces, the scope of the bargaining unit includes all classroom teachers, vocational teachers and counsellors and it specifically excludes the superintendents. Principals, vice-principals and substitute teachers may or may not be included in the unit depending on the province. In Alberta, for example, the inclusions are so broad that not only are some assistant superintendents included in the bargaining unit, but the Personnel Officer of the Calgary School Board is also in the unit because he happens to hold a teaching certificate. At the other extreme, some of the principals, both individually and as a group, have opted out of the teachers' Union in Nova Scotia and are not in the bargaining unit. In both Ontario and Quebec the principals in some jurisdictions have formed their own bargaining units and bargain separately from classroom teachers. Considerable controversy has developed in most provinces over the inclusion of principals in the bargaining unit. The trustee associations would prefer to have principals excluded from the unit so that they would be "freer to perform their supervisory function." This issue will become even more prominent in the future as the school systems expand and the ability of the superintendent effectively to "supervise" all teachers in the system diminishes.

Particular problems associated with the establishment of the bargaining units in the various provinces are as follows.

(a) British Columbia

In British Columbia, the local association of the British Columbia Teachers' Federation usually conforms to the size of the school jurisdiction. The only exception is in the cities of Vancouver and New Westminster where there are separate local associations for the elementary teachers, the secondary teachers and the administrators. Each local association has been defined as a bargaining unit. Thus the teachers in British Columbia determine the size of the bargaining unit when they establish their local associations. It is understood that the trustees have little, if any, say on this matter.

The scope of the bargaining unit in British Columbia normally includes all those in the local who are active members of the teachers' federation. Such membership is compulsory for all teachers except "major supervisory officers" (superintendents and assistant superintendents 1/), substitute teachers, vocational and night school teachers and those with temporary teaching certificates. By practice, however, vocational teachers and substitute teachers are included in the unit in some locals.

(b) Alberta

The Alberta Labour Act defines a "bargaining unit" as, "...a group of employees of an employer whether or not the group is a craft group, technical group, industrial, or plant group or any other group." 2/ The only exclusions from this unit are those defined as, "... a manager or superintendent or any other person who, in the opinion of the Board, exercises managerial functions or is employed in a confidential capacity in matters relating to labour relations." 3/

Both bargaining units and local association of the Alberta Teachers' Association have been established on the basis of the size of the school jurisdiction. There are 115 bargaining units of 10 teachers or more and although the trustees have attempted to negotiate on an area-wide basis, such action has been strongly opposed by the Teachers' Association.

The Teaching Profession Act requires that all "teachers" employed by a school board in a capacity, other than as superintendents, must be members of the Teachers' Association. As a result, substitute teachers, principals, vice-principals, vocational teachers, assistant superintendents (except those employed by the Department of Education), counsellors, school psychologists and even the Personnel Officer for the Calgary School Board (who holds a teaching certificate) are active members of the Association. The Board of Industrial Relations has ruled that all of these classifications are properly included in the bargaining unit.

In 1963 the County of Mountain View school board in a test case before the Board of Industrial Relations requested that principals and vice-principals be excluded from the bargaining unit since they exercised managerial functions according to section 55 (1) (f) (1) of the Act. The School Board claimed that principals "...are essentially administrators...(and) they are the primary executive officers of the school system within a unit ...who utilize up to 75% of their time in an executive capacity, administering and managing the efficient operation of their schools." 4/ The Board of Industrial Relations ruled that both principals and vice-principals are properly included in the bargaining unit and that the Board did not have the jurisdiction to exclude principal or vice-principals from the bargaining unit. Their reasoning was that (a) principals were "teachers" under the

School Act, (b) the Alberta Teachers' Association (ATA) was the bargaining agent for all "teachers" under the Act, and therefore (c) the ATA had the statutory right to bargain for principals along with other teachers. 5/ The Board concluded that the provisions of a specific statute (The School Act) took precedence over the provisions of a general statute (The Alberta Labour Act). As a result, principals and vice-principals will continue to be included in the bargaining unit no matter what duties they perform unless the definition of "teachers" in The School Act is amended.

(c) Saskatchewan

According to the Teachers' Salary Negotiation Act the term "teachers" means, "...a person holding a valid certificate of qualification from the Department of Education to teach in a school...and employed on a full-time basis in teaching day school classes or as a supervisor". 6/ Similarly the term "group of teachers" means, "...all the teachers employed by a board but does not include a superintendent..." 7/ The Act goes on to state that it "...applies to the board of every school unit...(and) district...and to all teachers regularly employed in day classes in schools in the unit or district or employed on a full time basis as supervisors." 8/

Thus, under the Act, all those with a teaching certificate employed by the school board (except superintendents) are included within the scope of the bargaining unit. In practice classroom teachers, vocational teachers, supervisors, principals, vice-principals, full-time counsellors and school psychologists (if employed by the Board) are all included in the bargaining unit. In some school units substitute teachers are also in the bargaining unit (although not required by statute). Assistant superintendents are included according to the statute but in practice they are sometimes

excluded. This is particularly true in the cities where the superintendent is employed by the board as opposed to the school units where they are employed by the provincial government.

(1) The Trustees' View

The Saskatchewan School Trustees' Association in their brief to the Moore Commission stated that the definition of the scope of the bargaining unit was outdated and should be revised. They pointed out that when the Act was passed in 1949 supervisors in the school system were virtually unknown. For example, in 1949 in the public school system in Regina there were only seven supervisory positions whereas now there are thirty-four. Because of the change in the educational system trustees felt that the Act is "...hopelessly out of date and very confusing," since according to the Act,

- (1) Principals and supervisors are teachers.
- (2) A superintendent appointed under Section 125 of the School Act, although a supervisor, is not a teacher for salary negotiation purposes.
- (3) Assistant superintendents are not clearly designated in the Act, yet these officials do exist in the cities and, in practice, do not participate in salary negotiations as teachers.
- (4) Unit boards employ more teachers than many urban districts and yet they are not even permitted to employ superintendents.
- (5) Supervisors are superintendents for certain aspects of the boards' responsibility and superintendents are supervisors yet supervisors are "intrascope" of salary negotiations for teachers and superintendents are "out-of-scope". 2/

The trustees were particularly concerned over this issue since school law prevented them from appointing superintendents in the sixty school units in the province and therefore principals in these units were used to perform

the administrative duties which would ordinarily be the responsibility of superintendents.

The trustees therefore recommended that the Act be changed so that determination of the scope of the bargaining unit would be based on the function performed rather than on whether or not the person holds a teaching certificate. The trustees specifically requested that principals of schools in which ten or more staff members are employed on a full time basis be excluded from the bargaining unit.

(ii) The Teachers' View

The Saskatchewan Teachers' Federation felt that the most appropriate bargaining unit was one that included all the teachers employed by the school board. In their view the argument advanced regarding separation of employees and management is unacceptable in the educational field since,

The professional relationships within a school staff do not call for a rigid kind of administrative concept. School staff personnel are likely to regard themselves as professional colleagues, including the administrative personnel. Attempts to divide professional educators on the basis of a worker-manager distinction should be resisted. The role of the administrator in the public schools is as much educational as managerial, so that full competence in school administration calls for depth of experience rooted in the classroom itself and certification for administrative services should continue to include a period of teaching service. To the demand of administrators that they abandon all sense of responsibility for the advancement of the teaching profession as a whole is an infringement on their professional integrity. Moreover, such a policy would impair their status as educational advisers, for if the professional staff is to be effective in the development of educational policy, its advice and services would normally flow through the channels of administration to the board and community. If the administrative staff is required to consider itself as exclusively management and therefore separate from the instructional staff, then classroom teachers and others will find it awkward to communicate their views to the administrative staff and the reverse communications will fall all too often on deaf ears. 10/

The Federation reported that the principals and supervisory assistants themselves (a) felt that their inclusion in the bargaining unit did not hinder their effective discharge of duties, (b) that their relation to both boards and teachers under the existing arrangement was satisfactory, and (c) that board-trustee relations are unlikely to be better if they were to be removed from the bargaining unit. 11/

(iii) The Moore Recommendations

The Moore Committee was impressed by the complete unanimity of all teacher groups on this topic-particularly the stand taken by the Saskatchewan High School Principals' Association and the Saskatchewan Supervisory Assistants. They therefore recommended that no change be made in the Act with respect to the inclusion of principals, consultants and supervisory personnel in the bargaining unit. The Committee did suggest however, that the Saskatchewan Teachers' Federation should not use principals as members of bargaining committees.

(iv) The Teachers' Salary Agreements Act

Despite the recommendations of the Moore Committee the Teachers' Salary Agreements Act when enacted in 1968 excluded substitute teachers and "administrators" from the bargaining unit. The statute allows each school board to designate a minimum of one person whose primary function is administrative as an "administrator". One additional person may be so designated for every 100 teachers, above 50, in the school system. However, the Act precludes a principal from being so designated. 12/ Thus since 1968 the school board may have its superintendent, its assistant superintendent and its senior supervisory personnel excluded from the bargaining unit.

(d) Manitoba

The Manitoba Public School Act allows considerable flexibility since it defines a bargaining unit as a "group of teachers...appropriate for collective bargaining" and that this unit may be appropriate, "...whether it be a group of teachers employed by a single employer or a group of teachers who individually are employed by two or more employers". 13/ With the approval of the Collective Agreements Board the elementary and secondary teachers employed by the same school board may elect either to be included in the same unit or to form separate units. Furthermore, secondary (or elementary) teachers from a number of adjacent school boards may elect to be included in a single unit.

In practice, the size of the bargaining unit generally corresponds to the size of the Society local in 29 of the 48 divisions and in 3 of the 5 remote school boards. In the remaining 19 divisions there is a single bargaining unit for all the secondary teachers in each division and any number of units for the elementary teachers employed in the various districts within the division. Therefore in Manitoba some bargaining units include both elementary and secondary teachers, whereas others do not. Similarly, a single unit includes all the teachers employed in some divisions (which may include 20-30 school districts) whereas in others there may be a separate unit for each school district in the division. The size of the bargaining unit generally conforms to the wishes of the teachers.

The Act defines "teachers" as all those holding a certificate or a limited teaching permit issued by the Department of Education. Thus all teachers are included in this bargaining unit except the superintendent.

This means that in addition to classroom teachers, the bargaining unit includes substitute teachers, vocation teachers, principals and full-time counsellors. Assistant superintendents could also legally be included in the bargaining unit but in practice they are not.

(e) Ontario

In Ontario the definition of the bargaining unit has been established by practice rather than by legislation. The size of the bargaining unit is generally determined by the size of the school jurisdiction, except that each school jurisdiction includes two bargaining units. In the public school jurisdictions there is a separate bargaining unit for secondary school teachers and another for elementary school teachers. 14/ In the separate (Catholic) school jurisdictions there may be one bargaining unit for English speaking teachers and another for French speaking teachers, but in some cases the two Catholic teachers' associations bargain jointly. Prior to 1969 this structure resulted in there being an excess of 1,600 individual bargaining units in the Province. In 1969, Bill 44 and Bill 120 consolidated many of the school jurisdictions in the Province with the result that the number of bargaining units has been greatly reduced.

The scope of the bargaining unit varies from one school jurisdiction to another within the province. All units include classroom and vocational teachers and exclude the superintendents and assistant superintendents. However, principals, vice-principals and substitute teachers are included in some units and not in others. Depending on the school jurisdiction, principals and administrators may be part of the same bargaining unit as classroom teachers, may have formed a separate bargaining unit, or may bargain individually with the school board. The general practice is that

elementary school principals are not in any bargaining unit and "negotiate" individually, whereas some secondary school principals are in the teachers' bargaining unit while others have formed a separate administrators' bargaining unit. This practice conforms to the trustees' Council policy that:

(elementary)...school boards should endeavour to negotiate salaries of principals separately but should allow principals to act with and on teacher negotiation teams if they so desire. 15/

(secondary)...school boards negotiate salaries of principals and vice-principals separately from negotiations with the remainder of the staff. 16/

The policies of the various teachers' federations vary concerning the inclusions of principals in the bargaining unit. For example, (a) the Ontario Teachers' Federation and the Federation of Women teachers' Association of Ontario feel that principals should be part of the overall bargaining unit (b) the Ontario Public School Men Teachers' Federation are not opposed to principals negotiating individually outside of the overall unit, and (c) while the Ontario Secondary School Teacher Federation policy is to include principals in the overall bargaining unit, many of the secondary school principals in the urban centers have formed separate bargaining units. Where these secondary school principals have formed a separate bargaining unit, the teachers usually refuse to conclude and sign an agreement until negotiations between the board and the principals have also been concluded. This practice significantly strengthens the principals' bargaining position.

(f) Quebec

Prior to the establishment of province-wide bargaining in 1967, the elementary teachers' bargaining units all were local, whereas the secondary

teachers' bargaining units generally were regional in scope. The primary reason for this difference was that it was only the secondary teachers and boards which took advantage of the 1965 amendment to the Labour Code allowing for the establishment of bargaining on a regional basis. Because of the separation of the Catholic and Protestant school systems in Quebec, each bargaining unit was restricted to (a) English speaking teachers in the Protestant system, (b) English speaking teachers in the Catholic system, (c) French speaking teachers, or (d) both French and English speaking teachers in the Catholic system. These bargaining units organized by either the Provincial Association of Protestant Teachers (PAPT) or the Provincial Association of Catholic Teachers (PACT) excluded the principals, vice-principals, supervisors and regional directors whereas those organized by the Corporation des Enseignants du Québec (CEQ) included these administrators in the rural areas and excluded them in the urban centers. These French speaking urban administrators formed their own separate bargaining units.

With the passing of Bill 25 in 1967, the Government established one province-wide bargaining unit. All teachers, regardless of whether they were represented by PAPT, PACT or CEQ, are included in this province-wide unit for terms which are bargained at the provincial level. The 850 bargaining units previously established under the Labour Code still exist for the purpose of dealing with terms which are determined at the local level.

(g) New Brunswick

Prior to the passing of the Public Service Labour Relations Act in 1968, there were no legally recognized teacher bargaining units in New Brunswick. However, a number of the city boards voluntarily negotiated with

the local teachers' association. In these cases the size of the unit corresponded to the size of the school jurisdiction. With the passing of the Public Service Labour Relations Act, the Government established a single bargaining unit for all teachers in the province. The Act gave the Public Service Labour Relations Board the authority to determine the scope of the unit. The principle contained in the Act is that managerial personnel will be excluded on the same basis as in the private sector. 17/

(h) Nova Scotia

In Nova Scotia the size of the bargaining unit corresponds to the size of the school jurisdiction which need not be the same size as the Nova Scotia Teachers' Union locals. These units include classroom teachers, vocational and substitute teachers, principals, vice-principals, assistant superintendents and even some superintendents.

(i) Prince Edward Island and Newfoundland

As there is no bargaining by teachers in Prince Edward Island or Newfoundland, there are no bargaining units.

B. THE BARGAINING AGENT

The bargaining agent has been specifically defined either by statute or by the regulatory board in six provinces and voluntarily recognized in two others. 18/ In the two provinces (Quebec and New Brunswick) where negotiations are now conducted on a province-wide basis, the bargaining agents are naturally the provincial teachers' associations. In four provinces (British Columbia, Saskatchewan, Manitoba and Ontario) where the bargaining unit corresponds to a local or area school jurisdiction, the recognized

bargaining agent is a committee of the local or area teachers. In Alberta and Nova Scotia, although the bargaining units correspond to the local school jurisdictions, the bargaining agents are the provincial teachers' associations. The bargaining agent is actually certified by the regulatory board in Alberta, Saskatchewan, Manitoba, and New Brunswick and is named in the statute in Quebec, and Nova Scotia. The bargaining agents have been voluntarily recognized in British Columbia and Ontario.

Specific problems relating to the bargaining agent in the various provinces are as follows.

(a) British Columbia

Although the British Columbia Act does not specifically define the bargaining agent, it has been accepted that the bargaining agent is the appointed committee of the local association. This committee has the power to meet and negotiate an agreement on behalf of the teachers, subject to the ratification of the members. The "bargaining agent" for the school board may be the entire school board, a committee of the board or an individual (usually a lawyer) hired by the board as their bargaining agent. There has been little controversy in British Columbia over the definition and powers of the bargaining agent.

(b) Alberta

The Alberta Labour Act defines the bargaining agent as the "...trade union that acts on behalf of employees in collective bargaining, or as a party to a collective agreement with their employer". ^{19/} The Board of Industrial Relations determines whether or not a union is appropriate to represent the employees in the bargaining unit. The matter of defining

and certifying the bargaining agent has not been an issue in Alberta. The Teaching Profession Act requires that all teachers be members of the Alberta Teachers' Association (ATA). The Association recognizes that, because of this statutory membership it has the power to bargain whether or not it has been certified by the Board of Industrial Relations. This lack of concern is apparent since the Association has only obtained certification from the Board of Industrial Relations for about one-half of its bargaining units. Neither the school trustees nor the Department of Labour distinguish between certified and non-certified units and treat the provincial teachers' association (ATA) as the official bargaining agent in all cases. All collective agreements are entered into with and signed by the Alberta Teachers' Association and not by the local teachers' association. In addition, although all negotiations commence at the local level without any direct involvement by the provincial association, the Department of Labour refuses to appoint a Conciliation Officer unless the "bargaining agent" (ATA) has been involved in the negotiations.

(c) Saskatchewan

Prior to 1968 both the board and the teachers had the right to bargain on their own behalf or through a committee. If a committee was used, then it became the exclusive representative for bargaining purposes. This committee could include one member (but not more than one) who was not a member of the board or of the local teachers. The Minister of Education prohibited the use of a single bargaining agent or a "one man committee" in 1960 when he stated that each respective committee must include at least one member of the board or of the group of teachers.

The legislation required that the Federation "certify" the bargaining committee of each of the local bargaining units so as to ensure that there was no confusion concerning who was the authorized representatives of the local teachers. This procedure could have given the Federation control in determining who was to represent the local teachers but I was told that this certification was automatic and the Federation always "rubber stamped" those named by the local. Although a Federation staff official was named as the "outside member" on two-thirds of the bargaining committees, he was seldom active in local negotiations. He was named so that he could be called upon for advice and actively take over as spokesman should the matter be referred to conciliation.

In 1957 the teachers' Federation and the trustees' Association agreed:

That negotiations are properly carried on at the local level. However, boards or local teachers' organizations should feel free to contact their respective provincial organizations for advice. Provincial organizations should refrain from giving advice which can be construed as explicit direction. They should not direct that specific salary levels be offered or accepted and should not give advice in such a manner that local groups will feel that failure to comply is disloyal. 21/

The agreement conformed to the intent of the Act but the Teachers' Federation felt that the trustees' Association violated this agreement in 1958 and again in 1960. Thus controversy over the use of bargaining agents became an issue at that time and the problem still has not been resolved satisfactorily.

In their brief to the Moore Committee the trustees recommended that they be given the legal right to negotiate through a bargaining agent, or "employers' agent" as the term is used in the Saskatchewan Trade Union Act.

The teachers, on the other hand, opposed the use of "bargaining agents" in negotiations, arguing that it would eliminate valuable direct contact and communication between teachers and trustees.

The Moore Committee recognized that it may aid negotiations to have outside representatives, such as the Secretary of the school board or representatives of the provincial associations, involved. It recommended that the statute allow such representatives to participate in negotiations but that "a majority of the negotiating committee must be representatives of the local board or the local teachers." When the Teacher Salary Negotiations Act was passed in 1968, it established that an Area committee of the teachers and an Area committee of the school board would be the bargaining agents. These committees are composed of not more than three representatives from each of the school jurisdictions in the area. These Area committees may negotiate either by themselves or through representatives who are not members of the committees. Thus the Act opens the way for negotiations to be conducted by either the provincial associations or other outside specialists on behalf of the teachers and the trustees in the Area.

(d) Manitoba

According to the Act, a local association of the teachers' Society must have the school district listed in its constitution and have a majority of the teachers in the unit as members before it may apply to the Collective Agreement Board for certification. The local association must submit to the Board a statement showing (a) the character and constitution of the local, (b) evidence that the majority of the teachers in that school district wish to be represented by the local, and (c) that the majority of the teachers

in the local wish to have the General Secretary of the Manitoba Teachers' Society act as their business agent. If the Board is satisfied that the unit is appropriate for bargaining, it will certify the local association (not the provincial Society) as bargaining agent. All negotiations are conducted on a local basis between a committee of the local teachers and a committee of the trustees. The local association signs the collective agreement which need not be ratified by the provincial Society.

As noted, the General Secretary of the Society is named as business agent for all the local associations in the Province. This is done simply as a matter of convenience so that he may handle the paper work required for the local. He may offer advice and assistance to the local associations but he may not initiate any action without authority in the form of a resolution passed at a local association meeting. By acting as the permanent business agent for all locals he provides a degree of stability and consistency to the activities of all locals in the Province. I am told, however, that this procedure in no way gives the Society control over its locals.

(e) Ontario

There is no requirement to officially name a bargaining agent in Ontario. Negotiations are conducted at the local level and as such the local committee of teachers and the local committee of trustees are the bargaining agents.

(f) Quebec

Prior to the passing of Bill 25, the certified bargaining agent for the teachers was the local bargaining committee in the elementary school system and the regional bargaining committee in the secondary system. At

that time there was very little involvement by the provincial bodies of PAPT or PACT in these negotiations, although the CEQ's central staff usually became involved. In establishing a province-wide bargaining unit in 1967 Bill 25 named a joint committee of the provincial bodies of PAPT, PACT and CEQ as the bargaining agent. 22/ The bargaining agent on the other side of the table is a committee composed of representatives from the provincial trustees' associations and the Department of Education. The spokesman for the trustee-government committee is a prominent Montreal lawyer whom the parties refer to as the "employer bargaining agent."

(g) New Brunswick

The Public Service Labour Relations Act of 1968 empowered the Public Service Labour Relations Board to certify a bargaining agent for the teachers in the province. The determination of this bargaining agent follows much the same procedure as in the private sector. As such, the New Brunswick Teachers' Association was named as the bargaining agent by the Board. A committee of the provincial Association would then bargain with the Treasury Board which acts as bargaining agent for the Government.

(h) Nova Scotia

The Nova Scotia Teachers' Union (NSTU) is named in the statute as the teachers' bargaining agent. As such a committee of the local teachers' Union is the bargaining agent on behalf of the local teachers. While the provincial body of the NSTU signs all the collective agreements, it is rarely involved in the negotiations. Similarly it is usually a committee of the school board which acts as the board's bargaining agent and the Nova Scotia Association of Urban and Municipal School Boards never becomes involved in negotiations.

(i) Prince Edward Island and Newfoundland

While the PEI teachers' Federation and the Newfoundland Teachers' Association act as the spokesmen for the teachers in the province, they can in no way be considered as their bargaining agents. There is no bargaining so there are no bargaining units.

C. NEGOTIABLE ITEMS:

Many of the items which are normally negotiated between the parties in the private sector are covered by statute for teachers. For example, in most provinces the legislation covers such subjects as, pension plans, sick leaves, school hours, holidays, vacations, length of the school year, etc. In some instances this means that bargaining on these subjects is proscribed and in others the statute simply establishes minimum standards. The scope of subjects appropriate for bargaining varies considerably among the provinces. The statutes in Alberta, Manitoba, New Brunswick and Nova Scotia provide few restrictions and the parties may negotiate almost all subjects within the scope of:

- rates of pay, hours of work and other terms or conditions of employment (Alberta) 23/
- terms and conditions of employment of teachers that include provisions with reference to salaries (Manitoba) 24/
- terms and conditions of employment and related matters (New Brunswick) 25/
- salaries and conditions of employment (Nova Scotia) 26/

The practice in Quebec prior to Bill 25 was that the parties could and would negotiate on almost any subject. In fact the teachers' agreements negotiated by the CBEQ were the most thorough and detailed of any agreements negotiated by teachers in Canada. Since the passing of Bill 25 the following subjects are negotiated at the provincial level in Quebec (a) salaries

(Order-in-Council 1556), (b) workload, additional payments, leave of absence, syndical rights, professional improvement, teacher consultation, grievance procedure (Order-in-Council 1885), and (c) evaluation of teacher qualifications, working conditions (Order-in-Council 627). This does not preclude the parties from negotiating other items at the local level. However, nothing relating to the forementioned items may be included in any agreement unless it has been negotiated and approved at the provincial level (Article 15, Bill 25) and all collective agreements must contain every provision negotiated and approved at the provincial level (Article 4, Bill 43).

In Ontario the parties are free to negotiate virtually any subject. As a result, there is a wide variation in the type of subjects contained in the different agreements within the province. The Ontario trustees' Council's policy is to negotiate fringe benefit items separately at a different time than negotiations over the salary schedule. The practice has been that these additional benefits are generally negotiated along with the salary schedule with the elementary school teachers and at a separate time with the secondary teachers.

Only the provinces of British Columbia and Saskatchewan have apparently attempted to restrict the scope of subjects that may be bargained. The statute in British Columbia restricts negotiations to "salaries and bonuses" defined as follows,

Salary means the basic salary received from the employer, and includes the allowance paid by the employer for supervisory or administrative duties or special qualifications but does not include any other allowance except those approved for inclusion in salary by regulation; and bonus means an amount of money paid or a financial benefit or financial benefits provided in lieu thereof.... 27/

There has been considerable discussion in British Columbia concerning the definition of the term "bonus." The teachers feel that in order to negotiate any item, such as class size for example, all they need do is to propose that a "bonus" be paid for large classes and they thereby bring the subject of class size into negotiations. The British Columbia Superintendent of Education agrees that almost anything can be negotiated under the term "bonus." 28/ The B.C. Teachers' Federation normally negotiates the following items or "bonuses":

continuous service payments, long service or age payment, credit for non-teaching experience, payment of elementary certificated teachers in secondary schools, group insurance, death benefit clauses, moving allowances, isolation bonus, extra payment for Master's Degree, professional improvement clauses, and a special scale for PC (B.Ed.) Elementary. 29/

The second province which has attempted to restrict the scope of negotiable subjects is Saskatchewan. Prior to 1968, the statute only referred to "salaries" and the only latitude given was a permissive clause which allowed the "salary schedule" to contain an allowance for principals and other supervisory teachers. Under a strict interpretation the only negotiable subject was salaries. However by practice, a wide variety of non-salary items were also generally negotiated. When the Teacher Salary Agreements Act was passed in 1968, it increased the scope of negotiations to include salaries, allowances and "other matters related to salaries".30/ Thus many of the items negotiated extra-legally were now legally included as subjects for bargaining.

While the teacher associations in Prince Edward Island and Newfoundland do not negotiate, the briefs they present to the government often contain the teachers' position on subjects such as teacher-pupil ratios, pensions, curriculum and leaves of absence in addition to salaries.

It is possible to draw two conclusions from the foregoing discussion of the subjects negotiated in the various provinces. First, teachers in Canada negotiate a wide variety of subjects included as "terms and conditions" of employment. Although two provinces have attempted to restrict the scope of subjects negotiated, such attempts have not been very effective. Second, although teachers may negotiate a broad range of subjects they have generally limited their bargaining activity to direct monetary items. The only exception to this has been the Corporation des Enseignants du Québec which has always negotiated a broad range of benefits and working conditions. It has been only recently that some of the other teachers' associations have started to insist upon negotiating non-monetary "professional" items. It is probable that these "professional" items will play a more important role in negotiations in the future.

REFERENCES

- 1/ Who are employed by the Department of Education in all school districts except Vancouver.
- 2/ Alberta Labour Act, Chapter 165, 55(1)(b).
- 3/ Ibid., (f)(1).
- 4/ Submission by the County of Mountain View No. 17 to the Board of Industrial Relations at a hearing on May 15, 1963.
- 5/ Reasons for the Decision of the Board of Industrial Relations issued June 12, 1963.
- 6/ Government of the Province of Saskatchewan., The Teachers' Salary Negotiation Act, section 2 (1) (i).
- 7/ Ibid., 2 (1) (f).
- 8/ Ibid., section 3.
- 9/ Saskatchewan School Trustees' Association, Submission to the Committee on Teachers' Salary Negotiations, April 4/66 p.30.
- 10/ Saskatchewan Teachers' Federation Submission to the Committee of Inquiry on Teacher Salary Negotiation Procedure, pp. 43-44.
- 11/ Ibid., p. 45.
- 12/ It should be pointed out that the original Bill introduced by the Minister of Education excluded principals and consultants from the bargaining agent. Teachers throughout the Province protested vigorously over this exclusion. As a result of the teachers' pressure, the Bill was amended so that principals and consultants are still in the bargaining unit.
- 13/ Public Schools Act, Chapter 215, See 363(3).
- 14/ Ontario is the only province where there are separate bargaining units and separate teachers' associations for elementary and for secondary teachers. It should be noted that, although there are two teachers' associations representing teachers in the elementary schools (one for male and one for female teachers), there is only one bargaining unit since these two associations always bargain jointly.
- 15/ Elementary School Salaries, Ontario School Teacher Council, 1967-68, p. 5.
- 16/ Secondary School Salaries, Ontario School Trustee Council, 1967-68, p. 5.
- 17/ As of July, 1969 such unit determination has yet to be done.

- 18/ While there is no bargaining in the remaining two provinces, it is recognized that the provincial associations speak on behalf of all the teachers in the provinces of Prince Edward Island and Newfoundland.
- 19/ Alberta Labour Act, Part V, 55 (1)b.
- 20/ Saskatchewan School Trustees Association, Submission to the Committee on teachers' Salary Negotiations, April 6/66.
- 21/ Ibid., p. 29.
- 22/ This change has forced all three provincial associations to undergo substantial organizational changes so as to cope with the new responsibilities thrust upon them by Bill 25. A number of constitutional changes have been required so as to empower the provincial organizations to speak on behalf of their members. This change has required a greater centralization of power and more staff in the provincial offices.
- 23/ Alberta Labour Act, Section 55(c) (ii).
- 24/ The Public Schools Act (Manitoba), Part XVIII(363)(1)(e).
- 25/ Public Service Labour Relations Act (New Brunswick) Chapter 88(1)(h).
- 26/ Nova Scotia Teachers' Union Act, Section 6A (1).
- 27/ Public Schools Act (B.C.) Section 135(a) and (b).
- 28/ Letter dated July 6, 1967 from F.P. Levirs, Superintendent of Education, Province of British Columbia.
- The range of negotiable issues is still a controversial issue between the B.C.T.F. and the B.C.S.T.A. The B.C.T.F. feels that all matters should be negotiable and that "collective agreements should include all the factors relating to salaries and working conditions of teachers."* The B.C.S.T.A., on the other hand, feel that agreements should only contain matters directly relating to salaries and bonuses. The B.C.S.T.A. is not opposed to "discussing" other items but wants these matters to be contained in either a separate document or in the board's policy handbook. *Resolution 1963 Annual General Meeting. B.C.T.F.
- 29/ Letter dated July 5, 1967 from D.J. Grady, Director, Economic Welfare, B.C.T.F.
- 30/ Teacher Salary Negotiations Act, Chapter 75, 2(h)(vi).
In September, 1968 the teacher Federation chairman from the 10 negotiating areas met and decided upon an interpretation of "other matters relating to salaries". They decided that "everything with a dollar sign attached to it will be negotiated at the area level". This includes sabbatical leave, accumulative sick leave, professional leave, maternity leave, education leave, community service leave and scholarships. They decided that matters relating to professional practices,

conditions of employment, curriculum, preparation periods, teacher load, class size, teacher aids and such would continue to be negotiated at the local level.

Source: The Saskatchewan Bulletin, September 3, 1968, p. 1.

CHAPTER VII

ASSOCIATION SECURITY

The tendency today is to take the matter of association membership and security for granted without appreciating the struggle that most of the associations had in building and developing membership to its present level. Teacher support of these associations was generally low and in most cases unenthusiastic during the 1920's. Furthermore, the depression of the 1930's seemed to affect teachers more than those in the other professions. During this period teachers' salaries were slashed and great numbers of teachers were laid off. As a result, the associations in the early 1930's lost whatever gains they had made during the 1920's. They therefore had trouble attracting and retaining membership and collecting dues.

These hardships were particularly acute in the Prairie Region where the effects of the depression were aggravated by severe drought conditions. Yet in 1935 either because of or in spite of this, the teachers in Saskatchewan were the first to be granted, by provincial legislature, Federation security in the form of statutory membership with payroll deduction of membership fees.

When the Saskatchewan Teachers' Federation was finally organized at the beginning of 1934 one of its stated objectives was to obtain statutory compulsory membership of the teachers in the province. At that time only 45% of the Saskatchewan teachers had voluntarily joined the Federation. In reply to the Federation's request, the Minister of Education indicated that such statutory membership would be granted only if the Federation was able to increase its membership to 70% on a voluntary basis. Because of the ensuing organizational effort by the Federation, paid-up membership was increased to 73% by the end of 1934. As a result the Saskatchewan government early in 1935 passed "An Act Respecting the Teaching Profession", the first of its kind in the English-speaking world. 1/ This Act established the Federation as a "body corporate and political", granted the teachers professional recognition and made it compulsory that "... all persons employed as teachers in schools (which receive provincial grants) ... shall, as a condition of employment, be members of the Federation." 2/

Teachers' associations in other Canadian provinces were also seeking statutory membership at this same time. The breakthrough in Saskatchewan gave them renewed hope and most associations increased their pressure upon their provincial governments. Thus, the 1935 Saskatchewan decision was instrumental in forcing the other provinces to review their policies concerning teachers' organizations. Another factor was the general agitation at this time by the entire labour movement to have the provincial governments review all their labour-management policies. This agitation was due in part to the 1935 passing of the Wagner Act in the United States, which gave the American unions the full right to organize and bargain. As a result of this union pressure, legislation similar to the Wagner Act was

enacted in six of the Canadian provinces by 1938. Therefore the change that occurred in the governments' policy concerning statutory membership for teachers must be viewed as part of the total change in provincial public policy that occurred during the late 1930's.

The next province to grant statutory membership to teachers was Alberta. The teachers in Alberta had been seeking statutory membership since 1920 but the government had been unsympathetic to their pleas. This situation was altered in 1935 when the Social Credit party came into power in Alberta—a party which was organized and led by a teacher. Hence in 1936 a teachers' professional act was passed granting compulsory statutory membership to the Alberta Teachers' Association.

Once the pattern was established, statutory membership was eventually granted to the teachers' associations in each of the provinces. In 1942 statutory membership was granted to the associations in both Manitoba and New Brunswick. Similar legislation was granted at the end of World War II to the associations in Ontario (1944), Prince Edward Island (1945), British Columbia (1947) and to the protestant teachers in Quebec (1945). The associations in Newfoundland and Nova Scotia obtained their statutory membership in 1951. It was not until 1960 when the Catholic associations in Quebec received statutory recognition that all of the associations in Canada had received this recognition coupled with some form of a statutory membership requirement.

It should be understood that the policies of the various provincial governments differ regarding statutory membership requirements. All provinces require that either the Department of Education or the school board

deduct association membership fees from the payroll of member teachers. Only the provinces of British Columbia, Alberta, Ontario 3/ and New Brunswick have followed the Saskatchewan policy of requiring that all teachers, as a condition of employment, must be members in good standing of the association. The provinces of Manitoba, Quebec, 4/ Nova Scotia, Prince Edward Island and Newfoundland, on the other hand, provide automatic membership but allow teachers to "opt out" of the association each year during a stipulated "escape" period. Experience has shown that these escape provisions are not significant since less than 5 per cent of the teachers normally "opt out" of any of the associations. 5/

It is doubtful that many people at the time fully realized the significance of the breakthrough that had been made in 1935. On looking back, it is obvious that the obtaining of the professional statutes and statutory membership has played a crucial role in providing the means for teachers to exercise a significant influence in provincial educational power structures. Furthermore, this "closed shop" imposed and enforced by statute is perhaps the most powerful single influence affecting the operation and results of the collective bargaining process. Similarly it is this provision, coupled with the statutory obligations of school trustees, that helps to distinguish the collective bargaining process in the school situation from that in the industrial situation.

REFERENCES

- 1/ S. McDowell, Four Issues (Saskatoon: Saskatchewan Teachers' Federation, 1965), p. 55.
 - 2/ Ibid., p. 54.
 - 3/ In Ontario, statutory membership is compulsory in the Ontario Teachers' Federation but not in the five associations making up the Federation. However, according to the Federations' constitution, every member of the Federation is automatically a member of the appropriate affiliate association.
 - 4/ Membership in Quebec is automatic according to the school system in which the teacher is employed. For example, a teacher employed by a Protestant school board is automatically a member of PAPT, the separation of membership between PACT and CEQ is somewhat fuzzy. No problem exists in areas where there is both a French and an English Catholic school commission. However, in the areas where there are both English and French speaking Catholic teachers in the same schools the CEQ is usually certified as the bargaining representative. Thus, the English speaking Catholic teachers involved are members of PACT but are represented in grievances etc. by the CEQ. In actual practice one of three things may occur; (a) these English speaking teachers are not represented at all, (b) they voluntarily opt-out of PACT and join CEQ, or (c) the CEQ negotiates a union or an agency shop and thereby excludes PACT representation. PACT estimates that about 2,000 of its potential members have been "trapped" by the CEQ in this manner. There have been a number of jurisdictional disputes between PACT and CEQ and the 4,800 member PACT considers this to be a survival problem and are afraid of being swallowed by the 60,000 member CEQ.
- In some respects the passing of Bill 25 has given the three teachers' associations a greater degree of security. It has restricted the representation of teachers in the province to the three named associations in the Bill—PAPT, PACT and CEQ. There can now be no raiding from outside organizations.
- 2/ As the NSTU reported, most of the teachers who opt-out of association membership are either those in the lower teaching certificate levels and those who are administrators and supervisors. The low certificate teachers opt-out because of the cost of the dues and they have the least to gain from membership. The administrators and supervisors opt-out to either bargain individually with the school board or else to form their own bargaining units.

CHAPTER VIII

SALARY DETERMINATION PROCEDURE

A. GENERAL

With the exception of Quebec 1/, New Brunswick 2/ and Newfoundland, the local municipal authorities, usually boards of school trustees, have the final authority and responsibility for determining the salaries of teachers within their jurisdiction. School trustees are responsible, not only for the administration of the schools, but also for controlling the costs of education. Hence, they are subjected to pressures from teachers for increased salaries, on the one side, and, on the other, to pressures from their electorate to control the sky-rocketing costs of education and property taxes. This situation is further complicated by the constraints of inflexible school budgets determined largely on the basis of a provincial-municipal cost sharing formulas (based upon the number of students, and teachers, etc.) and supplemented by the ability of the trustees to obtain additional tax revenue from their ratepayers.

Teachers' salaries amount to roughly two-thirds of a school board's total annual operating costs. As a result most trustees are sensitive to both the teachers' and the ratepayers' pressures and are fully aware of

their effects upon current expenditures. One way that this sensitivity is displayed is that most trustees when presented with teachers' salary proposal will, (a) first convert it into equivalent mills to determine its effect upon the tax structure, then (b) compare it to the salaries paid in other jurisdictions to determine its influence upon teacher recruitment.

The foregoing illustrates that even in provinces, such as British Columbia, where the salary negotiation process is rigidly controlled by legislation an examination of the legislative provisions alone cannot provide a complete understanding of how teachers' salaries are established. The variations in the composition and background of the elected trustees result in a different philosophy and approach to teachers' salaries from one board to the next. Hence the legislative bargaining procedures in each province cannot be considered in isolation from these other factors.

The bargaining procedures followed from one province to another vary from a highly structured formal procedure in British Columbia to a very informal almost casual arrangement in Ontario. The procedures are formalized to the extent that they are specified by statute in seven of the provinces. In two of the remaining provinces there are no negotiations but only annual meetings between the government and the teachers' associations. In the remaining province, Ontario, the teachers' and trustees' organizations have informally agreed upon and established a bargaining procedure.

In the seven provinces where bargaining procedures are outlined in the statutes, the legislation provides the following:

<u>Province</u>	<u>Statute</u>	<u>Legislation Provides for</u>			
		<u>Collective Bargaining</u>	<u>Conciliation</u>	<u>Binding Arbitration</u>	<u>Right to Strike</u>
British Columbia	Public Schools Act	x	x	x	
Alberta	Alberta Labour Act	x	x		x
Saskatchewan	Teachers' Salary Agreements Act 3/	x	x		
Manitoba	Public Schools Act	x	x	x	
Quebec 4/	Labour Code	x	x		x
New Brunswick 5/	Public Service Labour Relations Act	x	x	x	x
Nova Scotia	Nova Scotia Teachers' Union Act	x	x		

Because of the wide differences which exist between the bargaining procedures followed, it would do them an injustice to generalize about them. The significant aspects of these procedures follow:

B. BRITISH COLUMBIA

1. Bargaining Procedure

The bargaining procedure established by the Public Schools Act is highly structured. It specifies that the effective date of all agreements is January 1 and establishes an inflexible schedule for the stages of negotiation, conciliation and arbitration which ensure that all agreements are concluded by this date.

The Act provides that either party may serve notice to the other party of their intent to seek modification of the agreement at any time prior to September 20th (prior to 1965 this was September 30). Technically, negotiations could commence any time between January 1 and September 20 but in actual practice negotiations are usually initiated shortly after the start of the school year in September. The parties may by mutual consent, appoint a conciliator to help them in their negotiation but if agreement is not reached or a conciliator appointed by October 31 then the Minister will appoint a conciliator to the dispute. The conciliator has until November 14 to help the parties reach an agreement. If he is unsuccessful in bringing the parties to an agreement then the issue must be referred to a Salary Arbitration Board by November 14th.

Negotiations are for the most part conducted at the local level between representatives of both the school board and their teachers. However, the

Act provides that negotiations may be conducted by the parties or their "duly authorized agent". 6/ Hence in some cases the school boards appoint an agent to represent them in negotiations. Staff officers of the BCSTA are appointed as agents and conduct negotiations on behalf of school boards in about 40 per cent of negotiations. In addition, staff officers from both the British Columbia Teachers Federation (B.C.T.F.) and the British Columbia School Trustees Association (B.C.S.T.A.) are appointed as bargaining agents in all cases that go to arbitration.

Prior to 1965 there were always two conciliators appointed in every dispute (one nominee of the school board and one of the teachers). The Act was changed in 1965 and now one conciliator is appointed by mutual consent of the parties or is named by the Minister. Unlike the conciliator under the Labour Relations Act a conciliator in teacher disputes does not make a written report or recommendation to either the parties or to the Minister and according to the Act his only function is to "...assist the parties... to modify the existing agreement". 7/ The practice has been that prominent citizens (judges, university professors, businessmen) are appointed as conciliators but in 1966 the parties appointed a number of Department of Labour Conciliation Officers. This is the first time that the Department of Labour has been involved, in any way, in teacher/trustee salary negotiations. Reports from both parties indicate that these Conciliation Officers were well received and relatively successful. This could be a foreshadowing of more activity in the future by the Department of Labour in teacher/trustee collective bargaining problems.

Once a dispute is referred to a Salary Arbitration Board the Act requires that each party appoint a member to the Board prior to November 20,

and that these two appointees appoint a chairman before November 30. Should the appointments not be made then the Act provides the mechanism for making the necessary appointments. The Arbitration Board is allowed to develop its own proceedings except that they must be concluded and an award issued prior to the end of December. This award is final and binding upon both parties. It is rather interesting that in British Columbia, unlike some of the other provinces, the Arbitration Board is a form of a "labour court" and is charged with the sole objective of rendering an award and is not to mediate the dispute or to try to encourage a negotiated settlement.

As a general practice school boards and teachers usually appoint either lawyers, former school trustees or school teachers from other jurisdictions as their appointees on the arbitration board. Since lawyers have been most widely used as appointees to Arbitration Boards the chairman is also usually a lawyer. Both the B.C.T.F. and the B.C.S.T.A. have prepared a list of acceptable chairmen to assist appointees to the board in selecting a chairman and in practice the two associations at the provincial level have generally speaking brought about the appointments of all the arbitration board chairmen.

Teachers have been highly critical of the time limits established in the Act. Their strongest criticism is that not enough time is provided—particularly at the arbitration stage. As noted, an additional 12 days were added to the conciliation stage in 1965. Mr. Guttman of the B.C.S.T.A. notes that "...in all our experience over the last seven years, we have yet to hear of an arbitration hearing which lasted for more than two days and the vast majority have been of one day duration." He therefore does not concur with the teachers' criticisms.

The B.C.T.F. does not actually prepare a formal arbitration brief for each arbitration hearing. Instead they prepare a number of general "exhibits" to be used in all hearings. They will use some 12 or 15 of these exhibits which, supported by local data and oral argument, will constitute the case. The reason for this system is that on occasions there may be as many as six arbitration hearings on the same day and the sheer numbers necessitate this approach.

2. Stage of Settlements

Since there is no clear separation between the negotiation and conciliation stages it is not possible to identify the actual number of agreements settled at the conciliation level. Even on occasions when conciliators are named they may not be used because the parties have reached a settlement on their own. However, out of the 92 bargaining units 8/ in the Province the number of disputes referred to arbitration over the past 5 years has been 1963--14, 1964--21, 1965--41, 1966--21 and 1967--28. It is therefore, evident that arbitration plays an important role in teacher collective bargaining in British Columbia. Many explanations have been advanced for the high number of arbitration awards which range from (a) high teacher demands, (b) tight negotiation schedule, (c) trustee reluctance to accept responsibility, to (d) personality clashes.

3. Level of Settlement

The B.C.T.F. estimates that the increase in the provincial median salary scale for the past 5 years has been,

1967 salary increase over 1966 — 7.8%

1966 " " " 1965 — 6.2%

1965	salary increase over 1964	— 5.2%
1964	" " "	1963 — $3\frac{1}{2}$ to 4%
1963	" " "	1962 — 3 to $3\frac{1}{2}$ %

Again it should be noted that these increases reflect the change in composition and qualifications of the teaching force in addition to any change in the levels of salaries. The B.C.S.T.A. reported that the change in the overall level of salaries based on weighted change in salaries for the various qualification grades was,

1967	weighted salary increase over 1966	— 8.9% (est)
1966	" " " "	1965 — 7.6%
1965	" " " "	1964 — 5.6%
1964	" " " "	1963 — 1.1%
1963	" " " "	1962 — 6.6%
1962	" " " "	1961 — 1.1%

C. ALBERTA

1. Bargaining Procedure

The practice in Alberta is that teacher salary agreements expire on August 31st so as to conform to the school year. The Act stipulates that negotiations are to start no less than thirty and no more than 60 days prior to the expiration date of the agreement. Such time limits are, of course, not followed since they would require that negotiations start during the month of July—a time when teachers are not available. This is just one example of the few provisions of the Alberta Labour Act which are not applicable to teacher—trustee negotiations. As a rule the particular needs of the teachers and trustees have generally been recognized by the

Board of Industrial Relations and by the Department of Labour, who allow sufficient flexibility in the interpretation of the statute so as not to handicap teacher-trustee relations.

The practice followed throughout Alberta is to start negotiations during January or early February with the objective of concluding negotiations prior to school closing at the end of June. By settling early teacher mobility and recruitment are aided as are teacher-trustee relations. Under the Act there are no dates or time periods for the conclusions of negotiations and each year there are a number of agreements which are not settled by June 30th. In such cases negotiations are simply held in abeyance during the summer months and recommence after school opens in September. This aspect of the Act produces a problem since the parties can legally carry on negotiations indefinitely and in fact there have been cases where negotiations have continued for as long as three years. The teachers' strike in the County of Strathcona in 1963, for example, was over the terms of a salary schedule for a school year which had already been completed. In these cases settlements are always retroactive.

In virtually all cases, negotiations start at the local level between a committee of the local teachers and the school trustees without any direct aid from the provincial associations. It is the general practice of each Alberta Teachers Association (ATA) local to appoint an Economic Policy Committee shortly after school opens in the fall and it is the responsibility of this committee to formulate proposals and have them approved at a general meeting of the local teachers. These proposals are presented to and negotiated with the school board by the negotiating sub-committee of the economic policy committee. Negotiations on behalf of the

school board are usually conducted by a committee of trustees assisted by their secretary-treasurer.

As shown on Table VIII-1, most agreements are settled at the local level. However, either party may turn negotiations over to their "bargaining agent" who is usually a staff officer from their respective provincial associations. Last year the Department of Labour ruled that a dispute could not be referred to a Conciliation Commissioner until after the teachers' bargaining agent (the ATA provincial representative) had met with the school board. This decision was made because the official bargaining agent for most bargaining units is the ATA and the Department ruled that the "bargaining agent" must meet with the employer before a dispute may be referred to conciliation.

If the bargaining agent (or agents) are unable to produce an agreement then, at the request of either party, the Minister of Labour will refer the dispute to one of the Conciliation Commissioners attached to his staff. The Conciliation Commissioner meets with the parties and assists them in their negotiations. If the Commissioner is unable to help the parties reach an agreement then he is required (within 14 days) 9/ to submit a recommended basis for settlement to both parties and to the Minister. Although not binding, the Commissioner's written recommendation is often accepted by the parties. The impact of this recommendation gives a conciliation Commissioner in Alberta greater power over the parties and more influence on the settlement than have conciliation officers in other provinces.

Should the Conciliation Commissioner's recommendation not be accepted by the parties then a Conciliation Board is established by the Minister. This Board consists of one appointee from each party and a mutually acceptable chairman. The purpose of the board is to investigate the issues, gather the facts and attempt to conciliate the dispute. If these conciliation efforts fail then the board must (within 14 days) 10/ submit a written recommendation proposing a basis for settlement to the parties and to the Minister. Both the teachers and the trustees are free to either accept or reject this recommendation. This rejection is determined by a vote of the teachers in the local and not by the ATA bargaining committee. Although the Act states that this vote may be supervised by the Board of Industrial Relations, the Board has ruled that such supervision is unnecessary. 11/

If the conciliation board's recommendation is not accepted the ATA may request that the Board of Industrial Relations conduct a secret ballot strike vote and provided a majority of the teachers vote in favour of strike action a strike may take place (a) 14 days after the vote was taken to reject the conciliation board's award, and (b) after the employer has received two days notice that such strike is to take place.

Under the Act there are no provisions for continued negotiations after the conciliation board award is rejected. Experience has been, however, that either the parties continue or resume negotiations or else mediation efforts will commence. Although not contained in the Act mediation usually takes place after a strike vote has been taken or during the strike. In Alberta the mediator is usually the Deputy Minister of Labour or sometimes the Minister of Education.

2. Stages of Settlement

The stages at which agreement was reached in the various school jurisdictions from 1956-57 to 1965-66 school years are reported on Table VIII-1. This table shows that over this period approximately one half of the negotiations were settled at the local level without the involvement of either of the provincial associations. This figure actually progresses from 48% in 1956-57 up to 59% in 1964-65 indicating that, with the exception of 1965-66 there has been a steady increase in the number of agreements reached at the local level.

3. The 1964 Special Committee on Collective Bargaining Procedures

After the teachers' strike in the County of Strathcona in 1963 the Government appointed a Special Committee to study collective bargaining procedures as they applied to teachers. This Committee held hearings throughout the Province during 1964 and presented its report and recommendations to the Government in 1965. The presentations made to this Committee and the Committee's report itself, provided an insight into the attitude of the parties to the existing collective bargaining procedures. The positions are as follows,

(a) Opinion of the Alberta Teachers' Association

Either through its locals or directly by the Association itself the ATA presented eleven separate, but integrated, submissions to the Special Committee. These submissions contained both background information as well as the position of the Association on various matters relating to collective bargaining. The overall position of the ATA was that the present bargaining procedures were working satisfactorily and that there was no

Table VIII-1 Number of School Jurisdictions which reached salary agreement at each of the various stages of collective bargaining for the years 1956-57 to 1965-66.*

	1956 1957	1957 1958	1958 1959	1959 1960	1960 1961	1961 1962	1962 1963	1963 1964	1964 1965	1965 1966
Local Level	74	70	74	80	70	85	86	86	98	79
Bargaining Agent	12	18	13	13	21	11	6	12	9	44
Conciliation Commissioner	11	8	8	8	12	11	13	12	11	12
Conciliation Board	1	2	3	2	4	1	4	2	1	3
Strike	1	—	—	—	1	—	—	1	—	—
No agreement recorded	56	56	55	49	47	47	45	44	39	49
Post Conciliation Board	—	—	1	2	—	—	3	3	2	—

* ATA Magazine, January, 1966, p. 35.

reason for altering them. The ATA stated in submission eleven that,

- (i) It is a fundamental principle of collective bargaining that the employer and the employee group should negotiate directly for the terms under which service is to be performed.
- (ii) It is appropriate that school boards as employers and teachers as employees bargain collectively to set the terms under which teachers will render professional service.
- (iii) Collective bargaining procedures provided by the Alberta Labour Act have worked well in the past, are working well in the present, and should not be changed.
- (iv) The onus is on those who advocate changes to demonstrate the need for change and to propose alternatives which will function better. 12/

and that,

Some form of sanction must be available to teachers to give them equality of power at the bargaining table. The strike sanction, controlled as it is through the provisions of the Alberta Labour Act, ensures sincere attempts to bargain in good faith at all levels and has tended to persuade school boards and teachers to settle without the intervention of third parties. 13/

(b) Opinion of the Alberta School Trustees' Association

The ASTA's submission was based upon a resolution passed at their 1963 Annual Convention which called for, (i) the removal of teachers from the provision of the Alberta Labour Act, (ii) the establishment of specific collective bargaining machinery under The School Act, and (iii) that this machinery establish a time schedule for the completion of each stage of negotiations. 14/

In their brief the ASTA indicate that, in their opinion, the existing negotiation machinery,

- (i) developed ill feeling between the parties because trustees became to view teacher proposals, even those unrelated to salary negotiations, with skepticism.
- (ii) tends to prolong the dispute because there is nothing to compel the parties to settle by a certain date. This prolongation itself generates much ill-will between the parties.
- (iii) is hindering the establishment of proper budgets for the boards since often salaries (the largest single expense item) are not known when budgets must be submitted.
- (iv) is hindering teacher recruitment since negotiations and recruitment are occurring at the same time of the year and teachers are reluctant to accept employment when the salary has not yet been determined.

The ASTA recommended that teacher-trustee salary negotiation machinery be established under The School Act, so that (i) negotiations be carried on from September to December and that agreements be effective from January 1 to December 31 of each year, and (ii) if the teachers rejected a conciliation board's recommendation there be no retroactivity of salaries but if the school board rejected a conciliation board's recommendation there be full retroactivity of salaries.

The submission of the trustees from the County of Strathcona was somewhat stronger than that of the Association. This is perhaps understandable since this County had experienced a seven day teachers' strike during the previous year. In their submission they proposed that the teachers be excluded from the provisions of the Alberta Labour Act and that a new act be established for controlling teachers' salary negotiations. They proposed that this act contain specific time limits for the completion of each stage of negotiations, and that if agreement is not reached by May 25 that the dispute be referred to final and binding arbitration.

(c) The Findings of the Special Committee

The Findings of this Committee are, in part, as follows:

The A.T.A. overemphasizes the element of compulsion in binding arbitration. It stresses encroachment on the right of free choice. An individual's freedom of choice is preempted when he is compelled to be a member of the A.T.A. before he is permitted to teach. There is a sacrifice of freedom on the part of those who would not strike except by decision of the majority. Final decisions of courts are not considered by society as an encroachment on anyone's freedom of choice.

The prestige and respect of the school boards and the ATA locals depends on the character, ability and intellectual quality of those involved in negotiations. Agreement to be bound by an independent body is not a sacrifice of a democratic right nor a show of weakness but on the contrary it shows an appreciation of the democratic process and stems from magnanimity and not weakness.

The public interest in continuous education service could best be served by development of a realistic and equitable procedure for resolving issues between teachers and school trustees. There is at present no machinery for ultimate settlement of disputes either before or after strike vote. The five steps of collective bargaining from the local level to mediation, if examined carefully, represent no more than a variation of the "basic theme" with a change of personalities. The conciliation board is capable of producing results only if it makes concessions the conciliation commissioner found unjustifiable. It is nothing more than an attempt by one of the parties to try and convince another body which has no binding authority, to give it a little more, or less, as the case may be, than it had at the previous step in the bargaining procedure leads to settlement on a basis of compromise and not on the basis of the justice of the claim of either party. The natural trend would be to seek a board or tribunal or some form of Salary Relations Court to hear all teacher-school trustee disputes after all steps in the procedure for conciliation have been exhausted. Can a better way other than the 'acid test' of strike action be found to ultimately resolve teacher-school board disputes? Is it too much to expect voluntary agreement to binding adjudication, or will fear of setting an acceptable precedent prevent this alternative from being resorted to.

Although there is little uniformity among those advocating arbitration which would legally bind both parties, there is little doubt that all efforts should be made to solve a problem which is causing a large segment of the population of this province serious concern. In all likelihood parties to bargaining would exhaust every effort to conclude an agreement, but when they have reached a stalemate which threatens serious harm to the

school children of the province then a specific alternative should be provided by our society. The merits of a dispute need to be settled on the basis of compromise and coercion.

The pitting of the A.T.A. versus the A.S.T.A. in contentious salary disputes is not likely to produce any lasting benefits.

Notwithstanding the above opinions, in view of the determined opposition to any form of adjudication with binding effect on the teacher, and in view of the lack of support to the idea from the school trustees and the Federation of Home and School Associations, the Committee will make no formal recommendations in this regard. 15/

The recommendations of the Committee in essence were that,

- (i) no legislation be enacted that would deny the teachers the right to strike,
- (ii) teachers' collective bargaining procedures be incorporated into a new act and excluded from the Alberta Labour Act,
- (iii) Assistant Superintendents be excluded from active membership in the ATA,
- (iv) salary negotiations should proceed within a definite time schedule. That is - local negotiations up to January 1
 - bargaining agent January 2 to January 30
 - conciliation commission February 15 to March 15
 - conciliation board April 1 to May 15
- (v) mediation be obligatory between the date of strike vote and 15 days thereafter and that no strike can occur during this period.

It may be significant that this Report was presented to the Provincial Government in 1965 and that as of May 1969, no action has been taken to implement or discuss any of the recommendations.

D. SASKATCHEWAN

1. Bargaining Procedure Under Teachers' Salary Negotiation Act

The procedure used to establish salaries was not altered between 1949 when The Teachers' Salary Negotiation Act was passed and 1968 when this

statute was replaced by the Teachers' Salary Agreements Act. Prior to 1966 the expiration date of all salary agreements had to coincide with that of the school year—June 30th. Negotiations were initially conducted at the local level between a committee of local teachers and a committee of the school board although there could be an "outside" member on these committees. Originally both provincial organizations refrained from becoming involved in local negotiations, however starting in about 1960 a number of the boards began using Saskatchewan School Trustees Association (SSTA) staff members or other agents at the local level and starting in 1967 Saskatchewan Teachers' Federation (STF) staff members also became involved in a few local negotiations.

If agreement was not reached at the local level, the old Act provided that either party could apply to the Minister of Education and have a Board of Conciliation established. This Board was composed of a teacher appointee, a trustee appointee and a chairman selected by the other two members. In practice the conciliation chairmen were generally district court judges and occasionally were professors and past presidents of the SSTA. Although the conciliation boards were encouraged by the Department to try to mediate the dispute, most of them merely heard the presentations of the parties and issued a report. The conciliation board's report was merely a recommendation unless the parties had previously agreed to be bound by it. In any event the parties had to notify the Minister within 20 days of their acceptance or rejection of the conciliation recommendation. Since any three representatives could present the conciliation brief on behalf of the parties, the brief may or may not have been presented by the same committee which negotiated at the local level. The practice was that in virtually

all cases the brief to the conciliation board was prepared and presented by staff members of the STF and the SSTA. The Act did not provide for any bargaining stages beyond the conciliation board.

Although not provided in the Act the practice was that if the Board of Conciliation recommendation was rejected then an official from the Department of Education (usually a Director of School Administration) would, with the consent of the parties, act as a mediator in the dispute. If this mediation failed the teachers in Saskatchewan considered that they "reserve" the right to strike.

2. Stage of Settlement

In looking at the history of negotiation in Saskatchewan one is impressed by the apparent lack of friction between the parties. For example, in over 16 years of negotiating experience more than 2,000 sets of negotiations have been concluded and only 107 of these required a conciliation award. Throughout this period there were actually 172 applications for conciliation made but in 65 instances agreement was reached prior to conciliation. Seventy-seven of these applications were made by school boards, 93 by teachers and 2 were jointly submitted. The number of conciliation awards made each year over this period was,

1950 - 2	1955 - 2	1961 - 36
1951 - 5	1956 - 2	1962 - 4
1952 - 10	1957 - 6	1963 - 4
1953 - 3	1958 - 10	1964 - 2
1954 - 10	1959 - 3	1965 - 1
	1960 - 7	TOTAL <u>107</u>

In more detail, the level of settlement between 1962 and 1966 was,

	<u>Local</u>	<u>Conciliation Board</u>	<u>Mediation</u>
1962	427	4	2
1963	413	4	1
1964	195	2	1
1965	175	1	1
1966	143	3	2

3. Concern over the Teachers' Salary Negotiation Act

(a) The Trustees' View

The trustees were concerned with the timing of negotiations in the old statute. They felt that it was unrealistic to commence negotiations as early as November 1st for an agreement that did not expire until the following June 30th. They therefore proposed to the Moore Committee that salary agreements coincide with the fiscal year and expire on December 31st. They recommended that the Act be amended so that the following time limits were established for each stage of negotiations.

- Oct. 1 to December 31 - local negotiations
- Dec. 31 - all disputes must be referred to formal mediation
- Jan. 15 - all unsettled disputes referred to arbitration
- Feb. 28 - all arbitration awards must be made

The Trustees felt that the existing conciliatory machinery was very ineffective. They took a very strong position which may be summarized as follows,

During the seventeen years of operation of the Teachers' Salary Negotiation Act we have managed to "wring out" eventual settlements with teachers which have kept our school in operation, not because of the provisions of the Act, but rather in spite of them.

Conciliation without binding award was provided for in the Act with the undoubted hope that there would be a strong tendency on the part of both parties to accept conciliation awards, and this worked reasonably well in the early years of the operation of the Act. Prior to 1953, the parties often agreed beforehand to accept the awards. From then on, there developed a growing mistrust of conciliation procedures and after 1958, it became common practice to reject conciliation awards. By 1961, conciliation as a means of settling salary disputes broke down completely. In that year, over half the units went to conciliation and most of the awards were rejected by the teachers. (33 of the 38 conciliation awards were rejected). Melfort, Gull Lake and Shaunavon were put "in dispute" and the other unit boards withdrew their advertisements in the newspapers and refused to hire teachers. After a mass resignation of teachers in the three areas "in dispute", the problem was referred to the Minister of Education who managed to effect a workable settlement.

Conciliation fell into disrepute in 1961 and was used only eleven times in the next four years. During the last three years, the teachers have refused to accept five out of seven awards. In 1964, the public school teachers of Regina adopted strike action without first going to conciliation. The next year, they applied for conciliation and the conciliation board did not even make a recommendation in regard to salaries. This was a crowning example of the ineptitude of the conciliation procedure. It is apparent to trustees and it must be apparent to teachers that some other device is necessary for the settlement of salary disputes. Certainly trustees can never accept teacher strikes as an alternative. It is patently futile to argue that there would be no insuperable problems if trustees and teachers bargained in good faith. There is no criterion for good faith and each party claims a hegemony of virtue. The cold, hard fact is that conciliation in its present form is dead and must be replaced by something more useful. 16/

The trustees' experience with conciliation under the old Act convinced them that a procedure with a binding decision as the ultimate step was essential for settling differences between the parties where reasonable persuasion cannot produce agreement. Thus they recommended that where local negotiations and conciliation efforts fail then the matter should be referred to a three man arbitration board.

It is of interest that in the Arcola Unit the teachers and trustees have voluntarily agreed that at any time negotiations fail that they will submit the matter to a representative of both parties and be bound by their decision. In addition, provision for binding arbitration has been in the agreement of the North Battleford unit for 15 years but has never had to be used.

The SSTA strongly recommended that the teachers' right to strike be removed and that a system of compulsory arbitration be introduced in teacher salary negotiation procedures. They felt that

No system of negotiation without a final referee will ever be successful where one party has nothing to lose and the other party has no weapon except one directed against children. 17/

The trustees also pointed out that legal opinion of Section 7 and 8 of the old Act was that,

...a salary schedule may be entered into for any length of time or number of years but there will always be the right for either side to request a review or a revision of the existing salary schedule. 18/

Thus, in actual practice salaries could be revised each year regardless of the contract duration. In their presentation to the Moore Commission the trustees requested that the Act be altered so that long-term agreements would be binding on both parties.

(b) The Teachers' View

The teachers were not concerned about the present timing for negotiations. They did not feel that there were any problems with the existing legislation but were not opposed to the trustees' suggestion that negotiations take place in the autumn rather than the spring. In keeping with

their policy of permissive rather than compulsory legislation however, they suggested that salary schedules become effective on July 1st with negotiations commencing on June 1, provided that the parties have not agreed to another expiry date for the agreement. In this way the local parties would be free to negotiate at a time most suitable to themselves.

The Teachers' Federation also felt that the history of negotiations in the province indicated that the existing conciliation process has been extremely successful in resolving disputes between teachers and trustees. They have also been favourably impressed with the effectiveness of the informal, extra-legal mediation that has been used and propose that it be incorporated as part of the process under the Act.

The Federation's brief to the Moore Committee stipulated that under no circumstances should the right to strike be removed from the teachers. Teachers are not opposed to arbitration provided it is voluntary but they feel it should not be made compulsory under the Act.

The Federation's brief stated that when a unit has signed a two-year agreement it has nearly always submitted an application for revision of salaries at the end of the first year. This action is taken so that negotiations could take place if the parties later decided that a revision was required. The Federation was not opposed to the trustees' recommendation that a salary schedule be effective for its full term and could only be revised by mutual consent of both parties.

(c) The Moore Recommendations

The Moore Committee found that the old Act was worded in general rather than specific terms. As the Committee observed,

...the very generality of the Teachers' Salary Negotiation Act appears to your committee to be working to the prejudice of both boards and the group of teachers concerned in salary negotiations. 19/

In referring to the lack of procedural steps in the then existing Act the Committee report stated,

...it is obvious, for example, if the teachers in one unit are able to negotiate a substantial increase the effect will be felt on all negotiations throughout the province.

Similarly, if a local board is able to "hold the line" the impact of such a settlement will also be felt throughout the province. Under the present legislation negotiations can be delayed or protracted by either party in the hope that a settlement in another area may assist in their own party. Long and protracted negotiations can only engender bitterness. The influence of both the Saskatchewan Teachers' Federation on local negotiations cannot be discounted. 20/

The Committee therefore recommended that the legislation provide a definite schedule for negotiations. They felt that such a schedule would relieve frustration and bitterness and eliminate any accusations of "stalling". To this end the Committee proposed the following schedule,

- the anniversary date of all agreements be January 1st
- notice of intention to negotiate must be served on or prior to October 15th by either party
- negotiations shall commence on or prior to November 1st and that the committees of the parties have until December 31st to reach voluntary agreement. If such agreement is not reached then the Minister must be notified by January 7th.
- if not already done so the Minister shall by this date appoint a Conciliation Officer from the Department of Labour to assist the parties in reaching a voluntary agreement. This stage of negotiations must be concluded by February 15.
- if agreement is still not reached the parties have until March 1 to notify the Minister of their intention to submit their dispute to binding arbitration. If this

is done then the arbitration board would be composed of one appointee from both the STF and the SSTA and a chairman selected by the two appointees or appointed by the Minister.

- if either party fails to agree to arbitration then the Minister shall publish a factual statement of the nature of the dispute and indicate which party failed to agree to arbitration.
- any of the times for the various stages may be extended by mutual consent of the parties.

The Moore Committee also reported that,

While undoubtedly the board of conciliation procedure set out in the Act has served a useful purpose in the settlement of salary disputes, it appears to your committee that such procedure has, in general, been resorted to by both boards and groups of teachers as a form of mediation. As a form of mediation, it is the opinion of your committee that there are other more effective and more expeditious methods of mediation than the formal and rather cumbersome proceedings of a board of conciliation. 21/

Thus in the committee's recommended negotiation procedure they suggested the elimination of the conciliation board and the use of a Conciliation Officer from the Department of Labour.

(d) The New Negotiation Procedure

On April 25, 1968, the Government enacted the Teacher Salary Agreements Act. This statute replaced the Teachers' Salary Negotiation Act and established a new negotiation procedure based on area-wide bargaining. This statute adopted the Moore Committee's recommendation that all salary agreements run from January 1 to December 31. To implement this change all 1968-69 agreements were negotiated for an 18-month period--from July 1, 1968 to December 31, 1969.

This statute established that notice to negotiate may be served by either party on or before October 15 in any year. Once notice is served, area negotiations must commence within 30 days and, if agreement is not reached by January 7th, the Minister of Education may appoint a conciliation officer. 22/ This conciliation officer must conclude conciliatory efforts and make a report to the Minister by February 15th. At that time the parties are free voluntarily to submit the dispute to a board of arbitration. If this is not done and if agreement has not been reached the Minister may publish the claims of the negotiating committees and the report of the conciliation officer. The Act does not provide any subsequent procedures so the practice of unofficial mediation and the teachers' "reservation" of the right to strike still exist as in the past.

The parties found it extremely difficult to negotiate the first area-wide agreements in 1968-69. Such difficulty is understandable because of (1) the newness of the procedure, (2) the discrepancies that existed within the areas, (3) the problem of determining which subjects were bargainable on an area-wide basis, and (4) the first contract had to be for an 18 month period. As a result, the Minister extended the period for negotiations and at one point threatened legislative action if the parties didn't resolve their own differences. By May 2, 1969 agreement had been reached in only seven of the 13 areas. Two areas settled in October, 1968 and the remaining five in April, 1969. Only one of these areas used the voluntary arbitration provisions of the statute. It appears as though it is going to take some time before all the problems are worked out of the new negotiations system in Saskatchewan.

E. MANITOBA

1. Bargaining Procedure

The Act allows the parties to determine the expiry date of the agreement. Some agreements become effective on September 1 and others on January 1. These dates vary because it is the local associations and not the Society that determines the provisions that are to be included in the agreement. Thus some locals prefer a September effective date whereas others prefer January. The trustees have recently requested that the government establish specific dates for the opening and closing of the three stages of collective bargaining contained in the Act--negotiations, conciliation and arbitration. Under their proposal the schedule for negotiations would be similar to that in British Columbia with all bargaining occurring between September 20 and December 31.

The Act provides that in order for negotiations to commence either party must notify the other of its intent to reopen the agreement. This notice may be served anytime within 30 to 90 days (exclusive of the months of July and August) prior to the expiration date of the agreement. Once such notice is served negotiations must commence within 14 days and the Act requires that the parties make every reasonable effort to conclude an agreement. Negotiations are normally initiated and conducted at a local level with no direct involvement of the provincial bodies. However some school boards (about 5%) have started to use the assistance of **Manitoba** Association of School Trustees (MAST) executives in local bargaining.

If agreement cannot be reached at the local level either party may request the Minister of Education to appoint a conciliation officer to

assist them. At this level staff officers from the Society and from the trustees' Association usually become directly involved in negotiations. The Conciliation Officers appointed are staff members of the Department of Labour. Once appointed, the Conciliation Officer has 14 days to deal with the dispute unless the Minister grants him a longer period of time.

The conciliation system established in Manitoba is slightly different than that in other provinces. These conciliators seldom bring the parties together across the bargaining table. They generally either meet with each party on separate occasions or meet with them on the same evening but in separate rooms. I am told that between 1963 and 1967 the Conciliation Officers have rarely ever brought the two parties together face to face. Unlike conciliators in Alberta these Conciliation Officers are not required to make a report or written recommendations.

If the Conciliation Officer fails to bring about an agreement then, if requested by either party, the Minister may appoint an arbitration board. This board consists of one person appointed by the Society and one by the Manitoba Association of School Trustees. These appointees may not be members of the local association or the board of trustees. The practice has been for the parties to appoint trustees and principals (or teachers) from other school jurisdictions. These two appointees select a chairman from a list of seven men. These seven men, usually judges or lawyers, are annually named by the Minister and have previously been approved by the executives of both the Society and the trustees' Associations.

I am told that the panel of chairmen concept is not particularly popular among the parties. Some men on the panel are "more acceptable" than

others and thus are overused. There is also the possibility of some "carry-over" from one arbitration case to another. This carry-over has some advantages "...since many of the same persons remain on the panel for a number of years and become somewhat familiar with the format and impact of salary schedules, we do not require lengthy hearings in order to explain conflicting views. Usually one afternoon or evening is ample for a hearing, although we have no time limit". 23/ It was suggested that perhaps the system could be improved if the appointees were free to select anyone as a chairman and only use the panel of names if the appointees fail to agree upon a chairman.

One criticism presented was that the system provides the mechanism whereby the government could possibly exercise some control over the arbitration awards. This criticism is based upon three factors:

- (i) the Government appoints members to the panel,
- (ii) the Government pays the entire costs for these chairmen (and also sets the scale of fees which could influence the calibre of men willing to serve on the panel), and
- (iii) the Act provides that after the board makes its award the Minister may direct it to reconsider or clarify any part of its award. The Minister may also have the board decide upon any new matter he may wish to add to its original terms of reference. 24/

Whenever disputes go to arbitration they become the concern of the provincial associations. Staff officers of the teachers' Society prepare and present all arbitration cases on behalf of local associations. Similarly staff members of the trustees' Association prepare and present between 95 - 100 per cent of the arbitration cases on behalf of local school boards.

The practice followed by most of the arbitration boards is to initially attempt to conciliate the differences between the parties but failing this it has the power to, and must, render a decision which is final and binding on the parties. The board has 14 days after the appointment of its chairman to make its award unless a time extension is granted by the parties.

2. Stage of Settlement

There are over 250 collective agreements in effect in Manitoba covering about 90% of the teachers in the province. The experience in Manitoba has been that most agreements are reached with little friction at the local level. From the period 1963 to 1967 only 28 disputes had to be referred to arbitration. As Mr. Anderson said

in the past seven years of school divisions in Manitoba, an average of two divisions per year have gone to arbitration over teachers' salaries, and in no year have we had more than four arbitrations on division salary scales. Our 100 independent local boards also have relatively few arbitrations, their greatest number being six years ago when nine districts went to arbitration. 25/

The number of agreements settled at each stage for the 1963-64 to 1967-68 school years were as follows:

	<u>Local Negotiations</u>	<u>Conciliation</u>	<u>Arbitration</u>
1967-68	205	18	—
1966-67	256	15	1
1965-66	108	27	8
1964-65	116	23	4
1963-64	100	19	15

It is apparent that there has been very little friction between the parties in Manitoba. It has been suggested that this lack of friction may be due to:

- (i) A professional relationship between the parties.
- (ii) A more moderate approach work by the MTS due to the fact that they do not have compulsory membership.
- (iii) A degree of competition between school boards trying to attract their teaching staff.
- (iv) That neither party wants the matter to go to arbitration where they lose control over the results. Therefore, very few go to arbitration and,....those that have gone to arbitration have resulted in awards that appear fair and reasonable to all concerned. The only time arbitration seems to be required is if one party or the other is somewhat unreasonable in the position it takes... Trustees in Manitoba seem entirely satisfied with the arbitration procedure as do most teachers. 26/

3. Level of Settlement

Both the Manitoba Teachers Society (MTS) and the Manitoba Association of School Trustees (MAST) were asked to estimate the overall percentage increases in teachers' salaries over the past 5-year period. Their estimates were as follows:

	<u>MTS</u>	<u>MAST</u>
1963 - 64	4%	3.3%
1964 - 65 about	4.1	2.9
1965 - 66	4.6	2.2
1966 - 67	10.0	5.0
1967 - 68 about	15.0	about 20.0

One of the reasons for the discrepancy is that the MTS estimate is based upon changes in average salary received by Manitoba teachers and is affected by changes in composition and qualifications of the teaching force.

F. ONTARIO

1. Bargaining Procedure

The legislation does not provide a procedure to be followed for negotiating teachers' salaries in Ontario. The Ontario School Trustees' Council (OSTC) and the Federation of Women Teachers' Associations (FWTAO), the Ontario Public School Men Teachers' Federation (OPSMTF), the Ontario English Catholic Teachers' Association (OECTA) and L'Association de L'Enseignement du Français d'Ontario (CEFO) have, however, developed their own negotiation procedures.

Most of the agreements in Ontario expire on August 31. However, the expiry date is determined by the local parties themselves and a number (including Toronto) have established December 31 as the expiry date. Similarly the date when negotiations commence is determined by the parties. Some groups start negotiating as early as September, some start in November or December but the majority of negotiations are underway by January. The trustees are in favor of an early starting date for negotiations and suggest that all negotiations should commence prior to January 1.

Under the bargaining procedures established by the parties negotiations commence at the local level between a committee of the teachers and a committee of the school board. The provincial organizations encourage these parties to make every effort to arrive at an agreement themselves. However

if agreement cannot be reached at this level then the local teachers may request assistance from their respective provincial association. At this time a staff officer from the association (or in the case of the public school system two staff officers, one from the FWTAO and the other from the OPSMTF) will take over negotiating with the school board. This staff officer actually takes over negotiations and may meet with the school boards' committee alone and in most cases he has the power to execute a contract on behalf of the teachers. These staff officers will often only hold one meeting with the boards' committee. The school board is also free to have a representative from one of the trustees' associations present at these meetings and may turn negotiations over to the provincial association. 27/

Most negotiations are settled at the local level and almost all are settled when the provincial representatives are called in. Only if a dispute is not settled at these two stages does either the Ontario Teachers' Federation (OTF) or the Ontario School Trustees' Council (OSTC) become involved. These bodies will never become directly involved in negotiations but will only act as mediators during what they call a "conference meeting". Conference meetings have not been widely used recently because the trustees have found that there is a tendency for the "conciliators" to enter into negotiations rather than concentrating upon their conciliatory function.

In an attempt to overcome some of the problems associated with the conference meetings the parties also established an "advisory committee". This ad hoc committee, composed of ten highly respected teachers and trustees may or may not be composed of the executives of the Federation and the Council but such is often the case. This advisory committee attempts to

obtain a settlement before an "in-dispute" designation is declared. The procedure requires that any local contemplating issuing an "in-dispute" designation notify the OTF. The OTF notifies the OSTC and an advisory committee is immediately established. If the issue is referred to the committee prior to April 1 then the committee has one month to assist the parties but if referred to the committee after April 1 then it must be heard within 2 weeks and in no case can the committee hearings go beyond May 31.

This advisory committee acts as a single body and meets with each party separately to determine the facts and the position of the parties. The committee then recommends to the parties what it feels to be a reasonable settlement. Neither the committee, the OTF nor the OSTC have any power (except the power of persuasion) or authority over the parties. Between 1966, when the advisory committee concept was developed, and 1968 four cases have been referred to this committee. In three of these cases the parties accepted the recommendation of the committee and it is felt that the committee would have been successful in the fourth case except that the time limits expired.

There is nothing to compel the parties to use this advisory committee. The Ontario Secondary School Teachers' Federation refuses to use it in any of its disputes. Their attitude is that they want to resolve their own problems without any outside help or interference. In addition the female teachers' Federation also voted to opt-out of this procedure at their annual general meeting in August, 1967. The reason for the FWTAO's action was that they felt this procedure unnecessarily delays their use of a grey listing and therefore the effectiveness of the grey list is lost. This may

mean that greater use will be made of "conference meetings" in the future or else the parties may start to use outside conciliators as do the parties in other provinces.

If the efforts of the advisory committee or the conference meetings fail then the local parties are at liberty to take such action as they deem fit and proper. There is no referral to any higher agent and the government or other outsiders do not become involved. The practice has been that if the effort of the provincial bodies fail then the problem is passed back to the local parties. This has the effect of making the local parties totally responsible for whatever course of action follows. Quite often the parties go back to local negotiations and resolve their differences without the use of any coercive action.

2. Level of Settlement

With the complexities caused by the diversity of salary negotiations in Ontario it is extremely difficult to generalize upon the results of salary negotiations. A few obvious points do, however, stand out. First the level of salaries in the secondary schools are relatively uniform throughout the province. There is not much difference between the salary of secondary teachers (with equal qualifications) in the city from those in the towns. Second, there is a wide disparity between salaries in the elementary schools from one area to another. This suggests that the strength or solidarity in the elementary teachers' associations is not as strong as in the secondary teachers' Federation. Third there is a large difference between the salaries of elementary teachers and secondary teachers with equal qualifications. A difference that reaches the magnitude of upwards to \$3,000.

The female teachers' Federation estimates that the salaries for their members increased by 3.4% in 1965-66 and by 17% in 1966-67. They attribute the large increase in 1966-67 to (a) the teachers taking a "hard line" attitude, (b) their Federation placing maximum emphasis upon salary improvement, (c) the development of more sophisticated bargaining techniques, and (d) a program of training area consultants who in turn train local teachers in the techniques of negotiating.

The same sharp increase in salaries in 1966-67 was reported by the English Catholic Teachers' Association. They estimated that their salaries (excluding increases for additional experience) increased by 10% in 1965-66 and 20% in 1966-67. They felt that the salaries in the major cities establish a pattern for the rest of the province since the suburban and rural areas have to compete with urban areas for the limited number of available teachers. Salaries in the public and separate elementary schools in the province are generally speaking relatively equal. This is due in part to the flow of communication between the OEETA and the FWTAO and OPSMTF. The English Catholic teachers changed their bargaining approach slightly in 1967-68. Prior to this time their Association approved a revised salary schedule, before negotiations started and all bargaining units used this as a negotiating objective with the result that salary scale tended to become standardized throughout the province. In 1967-68 they did not establish a salary objective and allowed each local group to determine its own salary requests. This change was made because of the economic changes that can occur in the 9 - 12 months lag between the approval of a proposed salary schedule and the date that it becomes effective. This move may have the effect of (a) creating wider discrepancies in salaries between different

areas, (b) the salary schedule more properly reflecting local conditions and distribution of teachers, (c) English Catholic teachers' salaries becoming more comparable to other salaries in the local area, and (d) giving the teachers greater bargaining power by allowing them to use the "whipsaw" technique.

The Federation of secondary school teachers estimated that overall salary increases for their teachers (excluding annual experience increments) were,

1962-63	-	2.5%
1963-64	-	2.5%
1964-65	-	2.5%
1965-66	-	3.5%
1966-67	-	7 to 12%

Thus again there was a sharp increase in salaries during 1966-67. They feel that the boards in the Metro Toronto area tend to set the average pattern of salary increases for the secondary teachers in the rest of the province.

G. QUEBEC

1. Prior to Bill 25

Under the Labour Code the teachers or the board gave notice of intention to renegotiate the salary schedule at least three months before the old agreement expired. If, after one month of negotiations, no agreement was reached, either party could request the services of a government-appointed conciliator who had an additional month to investigate the dispute and

submit his report. The parties then had another month in which to notify the Minister of their acceptance or rejection of the conciliation report. If it was rejected the parties then could either agree to voluntary binding arbitration, or the teachers could vote to strike.

In the event that voluntary arbitration was the alternative chosen by both parties, the dispute then was heard and an award made by a three-member arbitration council. The school board and the teachers each recommended a member to the Minister of Education who subsequently appointed them to the Council. These members could then recommend or the government would appoint the third member, who represented the public and acted as president of the Council. The award of this Council had to be made within 60 days of the appointment of the third member.

Under the Code if the teachers elected to take strike action, the strike could not occur until, (a) 60 days after the Minister had received the teachers' rejection of the conciliation report and, (b) 8 days after the Minister is notified of the exact time the strike was to occur. During this intervening period of time the Code provided that the Government could appoint a board of inquiry to look into the dispute. The Code also provided that injunctions against a strike could be issued by the courts. These injunctions were to cease 20 days after the 60 days within which the Board must file its report.

The locals of the Provincial Association of Protestant Teachers (PAPT) did not avail themselves to this procedure but rather negotiated with their school boards on a voluntary basis. According to Dean Briant these voluntary negotiations could not be considered to be "negotiations" as normally

followed under collective bargaining. As he states;

So far as I could determine, the teachers presented briefs prior to the expiry of their Agreement which were really little more than statements of faith. The Boards tended to congratulate the teachers on the fine job that they had done, file away the brief for six months or so and then call the teachers back simply to divide up a pie that had been determined unilaterally. 26/

It should be noted that since the passing of Bill 25 the teachers have not actually been excluded from the Labour Code. The Bill states that,

The provisions of this Act shall not have the effect of withdrawing the teachers and school boards from the application of the Labour Code. 29/

It is anticipated that some of the provisions of the Code will be used to control the negotiation of items that will be determined locally in the future.

2. Bargaining Procedure Since 1967 and Bill 25

The Government in Quebec has become directly involved in and has taken over the responsibility for the determination of teachers' salaries. The first move in this direction was the Minister of Education's October 14, 1966, directive placing a ceiling on the increases in teachers' salaries. This directive informed all school boards that their salary offers would have to be submitted and approved by the Department of Education before the collective agreement was signed. The school boards reluctantly conformed to the directive since, if they did not they would have been responsible for raising the revenue required for these increases. This directive had the effect of nullifying sincere negotiations and freezing teachers' salaries to a Government approved norm. The teachers reacted by forcing many negotiations to a dispute situation.

The second move by the Government was the passing of Bill 25 on February 17, 1967 which had the effect of (a) removing the teacher's right to strike, (b) forcing 12,000 striking Roman Catholic teachers in Montreal back to the classrooms, (c) temporarily removing the teachers' right to bargain, and (d) established that bargaining in the future would be conducted on a province-wide basis.

The Bill temporarily removed the teachers' right to bargain and automatically extended the provisions of all teachers' agreements so as not to expire until June 30, 1968. Therefore, teachers who had not already negotiated a new agreement by February 11, 1967 were prohibited from renewing their collective agreement for the year 1967-1968. The Bill also established a salary scale applicable to all teachers in the province for the year 1967-68. If a teacher's salary was lower than this "provincial scale" (as was the case in most rural areas), he received an increase in 1967-68 to bring him in line with the provincial scale. 30/ However, if a teacher's salary in effect on June 30, 1966 was higher than the 1967-68 provincial scale (as was the case for most teachers throughout the Protestant school system and all those in Montreal), his salary was frozen for 1967-68.

As required by the Bill, the three provincial teachers' associations formed a committee (six representatives from La corporation des enseignants du Québec) (CEQ) and two each from the Provincial Association of Protestant Teachers (PAPT) and the Provincial Association of Catholic Teachers (PACT) to meet and negotiate on the provincial level on behalf of the teachers of the province for the 1968-70 school years. As the Bill required, negotiations for the July 1, 1968 - June 30, 1970 school years, commenced on July 17, 1967. The "partie patronale," representing the employer group, is

composed of the Fédération des commissions scolaires catholiques du Québec, the Quebec Association of Protestant School Boards and the Quebec Government. Much to the teachers' surprise, the "partie patronale" had hired Mr. Y. Cournoyes, a prominent Montreal lawyer and professional negotiator, as their "porte-parole". He is their spokesman and official representative at the negotiations table. On the teachers' side of the table, Mr. J. Leblanc (of the CEQ) acts as the teachers' spokesman.

As a result of a series of plenary meetings between the two negotiation committees between July and October 1967, agreement was reached concerning the negotiation procedure to be followed. The teachers presented their contract proposals to the "partie patronale" on December 21, 1967, and formal negotiations began on January 22, 1968. Once under way, these parties were to meet no less than three days a week until March 31, 1968, the date set for direct negotiations to end. After March 31, there were many delays in the procedure and unsuccessful conciliatory efforts were attempted. The teachers suggested the use of compulsory arbitration and special mediation but were turned down. Eventually after a series of rotating strikes and other pressure tactics by the teachers, special mediation commenced on February 28, 1969 and continued unsuccessfully throughout March, 1968. It was not until September 1969 that agreement was finally reached. Thus it took from July 1967 until September 1969 for the parties to negotiate an agreement for the 1968-70 school years. The Quebec experience points out the special problems associated with negotiations, mediation and arbitration where the government is involved as one of the parties. These problems have resulted in the parties in Quebec having now concluded their first round of province-wide negotiations but as yet they have not actually established a negotiations procedure.

3. Reaction to Bill 25

It goes without saying that the teachers were strongly opposed to Bill 25. They were opposed to it because it removed their right to strike and resulted in direct government control over their salary determination. However, there appears to be mixed feelings concerning provincial negotiations and the provincial salary scale. Some of these feelings are as follows;

(a) Provincial Association of Catholic Teachers

The English speaking Roman Catholic teachers were opposed to provincial negotiations because they felt it meant an end to local autonomy. However, they did see that it had some advantages, such as;

- (i) eliminating the practice of paying married teachers \$500 more than single teachers,
- (ii) will result in religious teachers being paid the same as lay teachers,
- (iii) benefit the poorly paid rural teacher who up to now has been seriously underpaid,
- (iv) may "free" some of the rural teachers from the influence and power of the Church, and
- (v) it may help preserve the PACT identity and prevent it from being absorbed by the CEQ.

(b) Provincial Association of Protestant Teachers

The protestant teachers' Association was the group most strongly opposed to the provincial salary scale and provincial negotiations. They felt it would result in;

- (i) lower salaries for their members since the PAPT salary scale was above the provincial scale. This has resulted in the salaries of many of its members being "frozen".

- (ii) a greater shortage of English speaking teachers in Quebec. Many PAPT members have resigned because of "frozen" salaries and "civil servant" status caused by the Government control.
- (iii) too great an emphasis being placed on economic matters with the result that professional problems may be relegated to a secondary position.
- (iv) a decrease in educational research because the Government rather than the school boards will control finances.
- (v) increased membership apathy because salaries will be determined at the provincial level.
- (vi) will produce more centralization than will be desirable. Perhaps it will lead to a system patterned after the highly centralized French system. Bill 67 has the effect of giving the Government a form of control over the financially self sufficient Montreal and Quebec and Bill 25 gives the Government financial control over the rest of the province.
- (vii) greater political influence exerted by the 54,000 member CEQ with the result that the 6,500 member PAPT and 4,800 PACT will have little influence at the provincial negotiations. If the government were to completely centralize education then CEQ would likely absorb both PACT and PAPT—a prospect that neither English speaking associations favour.
- (viii) making the teachers captive to a school board. They will not be able to financially improve themselves by moving between boards.

(c) La corporation des enseignement du Québec

After the initial protests against the Bill the CEQ decided to support the new system. The CEQ undertook a publicity campaign to inform the public of the teachers' predicament. It also reorganized and centralized its structure in order to effectively negotiate provincially.

(d) Quebec Association of Protestant School Boards

Provincial negotiations will simplify the task of the trustees and relieve a great deal of pressure from them. Although not strongly in favour

of provincial negotiations they recognized that it will improve teacher-trustee relations and bring the English and French school boards closer together—something that has never occurred before (there has been very little communication between the two systems). The major concern of the trustees was that it may remove their control over local taxes.

H. NEW BRUNSWICK

1. Prior to January 1, 1967

Each year voluntary informal salary "negotiations" took place between the bargaining committee of the local teachers and either the school board or a County School Finance Board. The steps or procedures followed during these negotiations were informal but were established and agreed upon by the New Brunswick School Trustees' Association, the New Brunswick Teachers' Association and a former Minister of Education. This procedure provided for mediation by a Board of Mediation but there was never the need to refer any disputes to it. The provincial body of the NBTA never played a direct role in these negotiations which were conducted entirely at the local level.

The salary and conditions agreed upon during these annual negotiations were included in the individual salary agreements entered into between the boards and their individual teachers. However, many teachers were paid supplementary salaries and allowances in addition to those provided by the salary schedule negotiated for the local group of teachers. These supplementary arrangements were the result of a separate "understanding" reached between the board and individual teachers due to specific qualifications or a shortage of teachers in specific subject fields. These supplementary arrangements were also incorporated in the individual teachers' salary agreement.

In addition to his employment relationship with the school board, the teacher also had a contractual relationship with the Department of Education. Each teacher was required to supply the Department with certain information as part of a requirement for the receipt of a grant (of between \$101 to \$495 depending upon qualifications) from the Department. Thus, prior to 1967, a teacher's salary was the combination of this grant, the negotiated salary schedule plus any supplementary arrangements he made with his school board.

Under this system there were considerable variations in both form and structure of salary schedules from one school board to another. Variations in local conditions and the revenue raising capacities resulted in considerable disparities in salary levels and other conditions of employment throughout the province. There were some 400 different local salary schedule in effect; no two of which were exactly the same. Salaries also varied within a school jurisdiction depending upon demands for particular subject teachers.

2. Since January 1, 1967

On June 22, 1966 Royal Assent was given to the Province's new Schools Act. This Act, which became effective on January 1, 1967, empowered the Lieutenant-Governor-in-Council to establish a salary scale for all school personnel (administrators, maintenance employees and teachers) in the province. When this Act became law the New Brunswick Teachers' Association's (NBTA) immediate concern was the method of determination of salaries for the 1967-68 school year. Local school boards no longer had the power to determine salaries so the NBTA empowered their own Economic Policy Committee

to negotiate with the Minister of Education on behalf of the teachers in the Province. The Minister met with this Committee and an informal negotiation procedure was established. In accordance with this procedure a series of meetings was held between July 14 and August 11, 1967, and a memorandum of agreement was signed by both parties. 31/ Dr. Frankel stated that,

...this experience could not be termed collective bargaining, but both parties regarded it as an experimental interim arrangement pending the findings and recommendations of this Commission. 32/

The Government established a Royal Commission on Employer-Employee Relations in the Public Services of New Brunswick (Frankel Commission) charged with recommending a negotiating procedure for the Province's public services. The Commission recommended that a Public Service Labour Relations Act be established and that teachers be included in the scope of this Act.

Although the Commission report was issued in August 1967 it was almost a year and a half before the Government took any action. In the meantime the first province-wide salary agreement expired and the Minister of Education and the NBTA Negotiating Committee again commenced negotiations in October 1967 following the same informal procedures agreed upon in 1966. After considerable difficulty a new province-wide salary schedule was established for the July 1, 1968 to June 30, 1969 school year. Thus the first two province-wide teacher salary schedules were established through voluntarily established informal negotiations procedures.

As recommended by the Frankel Commission, the Public Service Labour Relations Act became law on December 6, 1968. This Act established the

Treasury Board as the "employer" and allowed an association selected by the teachers (presumably the New Brunswick Teachers' Association) to become the certified bargaining agent for all teachers in the Province. The provisions of this new statute will control the negotiations for the 1969-70 teachers' salary agreement.

Under this Act the NBTA will be able to notify the Treasury Board of its intent to negotiate anytime between April 30 and May 30. Once notice has been served, negotiations are to commence within 30 days and are to continue for a 45-day period. If agreement is not reached by this time there will be a 14-day conciliation period and, if agreement is still not reached by June 15th, another 15-day conciliation board period (fact-finding with recommendations). 33/ If these conciliatory efforts fail, the issue may be either referred to voluntary binding arbitration or a strike vote may be conducted and, if approved, a strike may commence within seven days. Since the provisions of this statute have not been used as yet it is too early to speculate about the effectiveness of its provisions.

I. NOVA SCOTIA

1. The Provincial Grant Scale

The Department of Education, according to Regulation 19 (a) of the Education Act, establishes a "provincial grant scale" of salaries. Some confuse this with a provincial salary scale. Although the teachers' Union periodically appeals to the Government to increase this provincial grant scale it does not "negotiate" this scale with the Government. The Minister of Education does however request the executives of both the teachers' and the trustees' associations to meet with him and a committee from his Department. This group will "recommend" changes in the grant scale but not

negotiate changes. As it happens the Government has increased the scale each year since 1965. Prior to that time there were no regular or periodic revisions made. The NSTU sees this Grant Scale Committee as a new challenge in "negotiating" teachers' salaries and an avenue through which they may influence the overall level of salaries in the province. The Union is developing new techniques for dealing on a provincial basis with the government.

This provincial grant scale is important to both teachers and trustees since it determines the Government's share of the cost of teachers' salaries. ^{34/} If the school board pays salaries higher than this scale the entire additional amount must be financed from local sources. The provincial grant scale establishes the minimum salary structure in the province, since few, if any, boards pay salaries below this amount. The Nova Scotia Teachers Union (NSTU) thus uses this scale as the starting point and attempts to negotiate salaries greater than the scale.

2. Bargaining Procedure

The negotiation procedure for teachers and trustees in Nova Scotia is contained in Section 6A of the Nova Scotia Teachers' Union Act. Although not specified in the Act, negotiations between a local of the Union and the school board may begin at any time after written request is made by either party. There have been times in the past when boards have refused to meet with the teachers and in such cases, the Minister of Education has appointed a mediator. According to the Act, if settlement is not reached through local negotiations, the NSTU or the school board may request the Minister to refer the matter to a three-man Conciliation Commission.

If the local teachers are unable to reach an agreement with the school board then the NSTU becomes directly involved. The Act stipulates that it is the NSTU and not the local which is authorized to request conciliation, but such requests are only made with the approval of the Local. The Union's provincial staff officers are responsible for the preparation and presentation of all conciliation cases on behalf of the local teachers. The provincial trustees' Association, on the other hand, does not become directly involved in either the local negotiations or the conciliation hearing. They may however, supply information to the school board which may be used in the board's conciliation brief.

Once the Minister establishes a Conciliation Commission each party appoints a member to the Commission and these two members elect or the Minister has a Judge of the County Court appoint a chairman. The Act requires that the Commission inquire into the matters in dispute and endeavour to bring about agreement between the parties. Failing this the Commission must, within one month, issue a written recommendation to the parties and to the Minister. The parties are then free to accept or reject this recommendation. Should the salary dispute not be resolved by the Commission, the Act allows the Minister of Education to appoint a mediator. Actually the Minister may appoint a mediator at any time during negotiations—either before or after Conciliation.

On the whole there have been very few Conciliation Commissions appointed in Nova Scotia. The following indicates the extent of their use.

- (1) 1957—a dispute in North Sydney was successfully settled by a Commission. This was the first year that the Commission stage was mandatory.

- (ii) 1958—a dispute in Kings County was settled. The results were disappointing to the teachers.
- (iii) 1959-60—a dispute in Halifax resulted in the first minority report of a Commission. The Parties settled but the teachers were disappointed in the results. A commission was appointed in four other cases. Two of these settled easily, one a settlement was reached before the teachers submitted their resignations and the other the teachers had to "coincidentally" submit their resignations before the dispute was settled.
- (iv) 1960-61—there were seven Commissions established. In six of the cases either the school board or the Union rejected the Commission's recommendations. Six of these disputes were not settled until the teachers had "coincidentally" submitted their resignations. One of these cases resulted in the schools remaining closed for two weeks in September.
- (v) 1961-62—two Conciliation Commissions were appointed. Both disputes (Glance Bay and Sydney) were settled at this stage.
- (vi) 1962-63—there were three disputes in this year. One (Pictou) was resolved at the Commission stage and the other two (Halifax and Inverness) required mediation.
- (vii) 1963-64—one long bitter dispute occurred in Sydney. The teachers "coincidentally" submitted their resignations before March 31, and a settlement was finally reached later that spring.
- (viii) 1964-65—nil

J. PRINCE EDWARD ISLAND

Each year the Executive of the Prince Edward Island Teachers' Federation (PEITF) meets with and presents its requests for improved salaries and other conditions of work to the Minister of Education and other Departmental officials. These meetings should in no way be considered negotiations. The Deputy Minister of Education described the process as:

Committees from the PEITF would wait upon the Minister and officials of his department to present resolutions or to make

certain demands. This process of reasoning matters together has worked quite satisfactorily here. 35/

The Federation pointed out that there have been occasions where they have presented their case to the Cabinet. This was often done at the Minister's suggestion and always with his knowledge and consent.

An interesting twist to the normal bargaining procedure occurs in Prince Edward Island. The Prince Edward Island Association of Regional High School Boards also meets periodically with the Minister of Education and they too present a brief in which they request that the Government increase teachers' salaries and benefits. The trustees Association's brief also concerns itself with the proportion of the teachers' salaries which is to be paid by the Government as compared to the proportion financed directly from local revenue.

The provincial government establishes a provincial scale of grants for teachers' salaries in Prince Edward Island. The Government then pays the total cost of the teachers' salaries up to the amount of the grant scale. The salaries paid by almost all school boards are $33 \frac{1}{3}\%$ greater than the grant scale. The cost of salaries in excess of the provincial grant are financed entirely from local taxes. The actual salary paid to any individual teacher is usually determined by individual negotiations between himself and the board. However in no case can this salary be less than the provincial grant scale or greater than the grant scale plus $33 \frac{1}{3}$ per cent. I am told that the extent of "negotiations" between the board and the individual teacher amounts to nothing more than an offer of a position at a stated salary followed by an acceptance or rejection of this offer.

K. NEWFOUNDLAND

The Newfoundland Teachers' Association (NTA) has presented a number of briefs to the Government requesting upward revisions in the provincial salary scale. These presentations can in no way be considered to be negotiations. Association briefs are presented to the provincial Cabinet but the Cabinet unilaterally determines what changes, if any, are to be made in the provincial salary scale. The Government in Newfoundland is completely responsible for educational finances and keeps close control over the movement in teachers' salaries.

The NTA indicated that certain school boards will sometimes supplement the provincial salary for some teachers and thus pay salaries above the provincial scale. However, the Department of Education stated that:

Teachers in Newfoundland are, with very few exceptions, paid according to a provincial salary scale. The exceptions are the private school operated chiefly by industrial concerns in Labrador and a small number of teachers who receive a bonus from their school board. We have no figures on this but the number would not be more than ten. 36/

In 1963, the NTA asked the government for a 10% increase in salaries. The NTA was not satisfied with either the amount or structure of the increases granted, and in 1966 submitted a further request to the Government. Their request was accepted by the Cabinet but was spread over a two-year rather than a one-year period. The final implementation of this scale was in 1968-69.

REFERENCES

- 1/ As of 1967.
- 2/ As of 1966.
- 3/ Replaced the Teachers' Salary Negotiations Act in 1968.
- 4/ The provisions of the Labour Code have been modified by Bill 25 with the result that the teachers right to strike in Quebec was temporarily removed.
- 5/ The 1968 New Brunswick statute allows the teachers' Federation to elect, prior to the start of negotiations, to follow either an arbitration route or a strike route.
- 6/ Province of British Columbia, Public Schools Act, section 137.
- 7/ Ibid., Section 138(3).
- 8/ This figure has varied between 86 and 92 over the 5-year period.
- 9/ This 14 day time limit is not too important since it can be, and in many cases is, extended with the agreement of both parties.
- 10/ Again the timing is flexible.
- 11/ This is the only group of employees in the province which the Board does not supervise the taking of the vote. In 1966 the ASTA requested that the Board supervise this vote but this request was turned down by the Board.
- 12/ "The Position of the Alberta Teachers' Association on Teacher-Board Collective Bargaining", The ATA Magazine, Oct./64 (Special Issue) p. 128.
- 13/ Ibid.
- 14/ A Brief Presented to the Legislative Committee on Collective Bargaining (Edmonton: ASTS 1964) p. 2.
- 15/ Report of the Special Committee of the Legislative Assembly of Alberta on Collective Bargaining between School Trustees and Teachers, Sessional Paper, No. 85, 1965, pp. 108-110.
- 16/ Saskatchewan School Trustees' Association Submission to the Committee on Teachers' Salary Negotiations, April 4/66, pp. 6-7.
- 17/ Ibid., p. 12.
- 18/ Saskatchewan Trustees' Association Second Submission to the Committee on Teachers' Salary Negotiations p. 49.

- 19/ "Extract from the Moore Committee Report", Saskatchewan Bulletin February 1967, p. 9.
- 20/ Ibid., pp. 9-10.
- 21/ Ibid., p. 9.
- 22/ The Government followed the Moore recommendation and replaced the conciliation board with a conciliation officer. The Moore Committee suggest that these be Department of Labour conciliation officers but the Act is silent on this point and simply states that the Minister will appoint these officers. Of the seven officers appointed under the new Act as of February, 1969, four were Mayors, one a city commissioner, one a former city personnel officer and one a pharmacist.
- 23/ Letter from Mr. A.C. Anderson, Executive Director, Manitoba Association of School Trustees, June 6/66.
- 24/ Public Schools Act, Section 390 (1).
- 25/ A.C. Anderson, Executive Director, MAST, letter dated June 6/66.
- 26/ Letter by Mr. A.C. Hamilton, President, Manitoba Association of School Trustees, May 24, 1966.
- 27/ Prior to 1969 in Ontario the school boards were members of one (or more) of seven trustees associations. These are (1) the Association of High School Boards of Ontario, (2) L'Association des Commissaires des Ecoles Bilingues d'Ontario, (3) The Ontario School Trustees and Ratepayers' Association (4) Ontario Separate School Trustees' Association (5) The Public School Trustees' Association of Ontario (6) Ontario Urban & Rural School Trustees' Association and (7) Northern Ontario Public and Secondary School Trustees' Association. Each of these associations is in turn a member of the Ontario School Trustees' Council.
- 28/ Province of Quebec, Bill 25, Section 34.
- 29/ Briant, P.C., New Directions in Industrial Relations in Canada--The Professional Employee, an address given at the McGill University, 17th Industrial Relations Conference, p. 5.
- 30/ However no teacher could receive an increase in excess of \$1,000 per year.
- 31/ This understanding increased overall teachers' salaries by 14.5% over the previous year. The increase "negotiated" between the school boards and its teachers for the school year 1965-66 was 7%.
- 32/ Report of the Royal Commission on Employer-Employee Relations in the Public Services of New Brunswick (Fredericton; Queens' Printer, 1967)

- 33/ Although it may not be applicable to teacher negotiations, the Act (Section 50) stipulates that before a conciliation board can be appointed it must be determined which employees are to be designated as essential and be prohibited from striking.
- 34/ The Government's share ranges from 25 to 85 per cent depending upon the area. The average for the Province is 58 per cent.
- 35/ Letter dated September 16, 1966 from M. Mackenzie, Deputy Minister of Education.
- 36/ Letter dated Aug. 3/67 from F. Kirby, Professional Assistant to the Deputy Minister of Education.

CHAPTER IX

ECONOMIC SANCTIONS

Over the years no other topic related to teachers' associations and their organized activities has received as much attention as has their right to use economic sanctions. The critics have charged that such activity is unprofessional, against the public interest and detrimental to the welfare of the students. Without going into the validity of these charges, it is hard to deny that in order for an employee group to actively participate in the determination of its salaries and working conditions it must be able to exert some form of pressure or compulsion on the employer. This pressure may be simply in the form of an appeal to the sympathy of the public or the right to refer the final determination of salaries to a third party. On the other hand, this pressure may be more direct and constitute a withdrawal of services through the use of a strike, coincidental resignations or a study session. In any event, so long as one adheres to the principle that employees have the right to actively participate in the determination of their salaries and working conditions (a principle that has been firmly established on this continent) then one should not deny the employee group the use of economic sanctions. This is not to say that there should be no controls on the use of these sanctions in order to ensure that they are used responsibly and to protect the public from abuses.

Teachers in all provinces utilize some form of economic sanctions in their struggle for improving salaries and working conditions. The sanctions range from appeals to the public and to the government to recognize and improve the teachers' situations in Newfoundland and Prince Edward Island to the use of strikes in Alberta. It should be pointed out that although the term "economic" sanction is used to conform to industrial terminology, the pressure that is imposed is political and social rather than economic.

A. The Influence of the Employment Contract

Every province specifies the length of notice that a teacher must give to a school board in order to terminate his employment. Such provisions are either contained in the individual teachers' employment contract, the school act or the school regulations. These provisions influence the teachers' use of economic sanctions. Unless the right to strike is specifically recognized by legislation then a strike, in essence, constitutes a termination of services which (unless the proper notice is given) is a violation of either the individual employment contract, the school act or the school regulation, as the case may be. Thus in any province which has not specifically granted teachers the right to strike, the teachers are legally prohibited from striking because of these employment regulations.

Briefly the notice of employment termination required 1/ in the various provinces is as follows:

- (1) Newfoundland -- the employment contract requires one-month notice of service termination at the end of the school year and three-months notice at any other time.

- (ii) Prince Edward Island — the employment contract requires that one-month notice of termination be given to school boards.
- (iii) Nova Scotia — the employment contract stipulates that termination of service can only occur at the end of the school year and notice must be given prior to March 31.
- (iv) New Brunswick — the employment contract specifies that termination of service can only occur at the end of the school year.
- (v) Quebec — the employment contract requires a one-month notice of termination be given to the school commission.
- (vi) Ontario and Manitoba — the employment contract allows termination on either December 31 or August 31 provided notice was given prior to November 30 or May 31.
- (vii) Saskatchewan — the school regulations state that the offer and acceptance of employment constitute an agreement which may only be terminated at the end of the school year provided notice is given prior to May 31.
- (viii) Alberta — the employment contract may only be terminated August 31 provided notice is given by June 15.
- (ix) British Columbia — the school regulations state that the verbal acceptance of employment constitute an agreement and that teachers may only resign on December 31 and June 30 provided notice is given.

Therefore, with the exception of Alberta, Quebec and now New Brunswick (where teachers' strikes are legal activities) a teachers' strike in any province would be a breach of contract and an illegal act. In British Columbia the regulations specify that the verbal acceptance of employment constitutes a contract and that a breach of this contract is cause for the

suspension of a teacher's certificate. Thus a strike in British Columbia would be cause for suspension of teaching certificates. In Saskatchewan and Nova Scotia it is difficult to determine the legal position of teachers' strikes. The teachers in Saskatchewan and Nova Scotia consider that they "reserve" the right to strike and the provincial Director of School Administration in Saskatchewan and the trustees' Association in Nova Scotia confirm their position. However, others feel that a teachers' strike in Saskatchewan or Nova Scotia is illegal; but since the statutes are silent on this point, the impact of these teaching contracts on the teachers' right to strike is not clear. In any event, these termination provisions in the teaching contracts may not be too significant since they would require either the school board or the province to initiate court proceedings against its teachers and it is questionable that such action would ever be taken. It should be noted that no legal action was taken over either the 1964 Regina teachers' strike or the 1969 Eston-Elrose strike.

B. ATTITUDE OF TEACHERS TO THE RIGHT TO STRIKE

The teachers' right to strike is specifically prohibited by legislation only in Manitoba. An examination of the literature and the activities of the provincial teachers' associations reveals that the associations in all provinces other than Ontario, Newfoundland and Prince Edward Island have attempted to have the right to strike granted to them. An example of their activities and attitudes in this regard is shown by the following:

(i) British Columbia — A resolution seeking the right to strike was defeated at the BCTF 1966 Annual General Meeting. This resolution was put forward because the Vancouver secondary school teachers felt that the right to strike was required to put "teeth in their salary bargaining powers". They argued that "...true salary negotiations ... cannot take place unless strike action can be used as the ultimate weapon to back up demands". 2/

(11) Alberta — After the Strathcona strike in 1963 the teachers were severely criticized for their use of the strike. As the Minister of Education stated, "strike action by their profession is abhorrent...if they wish to regard their calling as a profession, they ought to start acting like one". 3/ As a result the teachers assumed a defensive stand in support of their right to strike in their presentations to the Special Committee established by the Government in 1964 to examine teacher collective bargaining procedures in Alberta.

(111) Saskatchewan — The stated policy of the Federation is to seek and obtain the right to strike. This was the basis of the Federation presentation to the Moore Committee. The 1963 annual meeting of the Federation firmly defeated the resolution that the Federation change its policy on strike action and deny its support to such action, and that "strike action was unprofessional and that punitive action against the students was unprofessional". 4/ Since that time the STF has firmly established its position in support of the right to strike.

(iv) Manitoba — At both the 1962 and the 1965 annual general meetings of the Society resolutions calling for support of strike action were voted upon. On both occasions teacher reaction to the resolution seemed to be evenly split between strong approval and stiff disapproval. Those teachers in support of the right to strike claimed that, "it was a fundamental right of an employed person in a free society to be permitted to strike against his employer in an unresolved dispute", 5/ and that there, "...was nothing unprofessional about insisting upon the bilateral settlement of collective agreements". 6/ In 1962 they stated that, "it is a matter of principle. We're not concerned whether or not a strike under certain circumstances

would be wise. We are only concerned with having the right of choice". 7/
Those teachers who were opposed to the right to strike stated that, "...the strike is an outmoded method of solving disputes. Having a weapon you don't intend to use is a useless show of emptiness" 8/ and, "The profession as a whole does not go along with the idea of striking" 9/ and that if the Society sought this right that, "We would lose more public support than we could ever gain back. You can gain more by talking across the table than by getting the right to strike". 10/

The right to strike resolution was defeated in 1962 and when it came up again in 1965 it was referred to a committee for study. The committee's report was presented to the meeting in 1966 and their recommendation in support of strike action was defeated at the 1967 general meeting.

(v) Ontario — There has been little collective concern over the right to strike in Ontario.

(vi) Quebec — When the government passed Bill 25 in February 1967 there were over 35,000 teachers involved in six different strikes. This is an indication of the teachers' attitude towards the strike. Furthermore, as an act of protest after the Bill came into effect 62,000 teachers held a one day strike in defiance of the Bill. Thus the right to strike issue is of vital concern to the teachers in Quebec today.

(vii) New Brunswick — Prior to 1967 the teachers' Association in New Brunswick felt that "...a strike would be unethical because teachers' contracts run to the end of the school year". 11/ However, they were not particularly satisfied with the situation that existed at that time and their presentations to the Frankel Commission were based upon the objective of obtaining the right to strike. As of December 1968 the New Brunswick teachers now have this right.

(viii) Nova Scotia -- The Nova Scotia teachers feel that they reserve the right to strike (although their legal position is questionable). In any event they do not strike "as a matter of policy". 12/

(ix) Prince Edward Island and Newfoundland -- There is apparently little concern and no movement toward obtaining the right to strike in these provinces.

The following lengthy but pertinent quotation from Manitoba clearly reveals the views of the teachers on the issues involved in the right to strike question:

There is no doubt that for effective bargaining to take place both parties must have an equality of power at the bargaining table. Employee groups must have some means of bringing pressure to bear upon employers for serious consideration of their legitimate aspirations. There is also little doubt that the strike, as the instrument for final settlement of a dispute, compels the parties to give their earnest consideration to all avenues of settlement. Similarly the imposition of sanctions, or their threat, can compel the parties to negotiate in earnest, but the effect of their use may be more damaging and disruptive than that of a strike.

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In the case of a strike or use of sanctions, the parties to the agreement must resolve their differences -- in some cases a third party may assist, but the actual responsibility remains in the hands of the parties. However, in the case of compulsory arbitration, the resolution of differences is taken out of the hands of the negotiating parties and the responsibility is assumed by a presumably disinterested third party.

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The right to strike must be exercised if it is to have any effect in creating pressure on the parties during negotiations. If the right to strike exists and is never exercised, it soon loses its effect. Conversely, to maintain its effect it must be used sparingly and wisely -- its overuse can soon disenchant not only the employer but also the employees, and can then mitigate against any real collective bargaining taking place around the table.

The effective use of the strike weapon is related directly to the possibility of conducting a successful strike. There is no point in striking or threatening strike action if the possibility of successfully resolving the dispute by this action is low. To have a number of strikes staged at local levels that fail to resolve the disputes soon diminishes the overall effectiveness of the right to strike in supplying the impetus for negotiations and agreement. Should this happen the balance of power around the bargaining table would tend to shift to the employer. For strike action to be successful a number of conditions should exist:

- a) Membership support - the members must be prepared to withdraw their services.
- b) Membership control - the organization must be able effectively to discipline its members to prevent the crossing of picket lines.
- c) Financial support should be available to members out on strike.
- d) Conditions of employment must generally be below the prevailing norm.
- e) Strikes based on principle have more chance of success than those simply concerned with level of salaries.
- f) A withdrawal of services must put real concern and pressure on the employer. If the employer can successfully close down, a strike will produce little pressure for settlement. 13/

C. ATTITUDE OF TRUSTEES TO THE RIGHT TO STRIKE

In Alberta, where the teachers have the right to strike, the trustees' Association has appealed to both the government and to the Government's Special Committee to improve and streamline the negotiating machinery but they have not attempted to have the teachers' right to strike removed. 14/ The trustees would rather have mediation become compulsory and a 15-day "cooling off" period established after a strike vote is taken. 15/ The trustees' associations in both Saskatchewan and New Brunswick have gone on record as being opposed to teachers obtaining the right to strike. It may be safe to assume that most trustees in the other provinces take a similar view.

D. RIGHT TO STRIKE; PUBLIC VERSUS PRIVATE SECTORS

On a number of occasions teachers have compared themselves to industrial employees and argued that they must have the right to strike to offset the school boards' right to lock-out. This is not a valid argument since although it is a legal possibility in Alberta, it is not really an alternative in the school situation. 16/ Most school statutes require that trustees operate the schools for a specified number of days each year (usually 200 days) and a lockout would prevent them from fulfilling this statutory obligation. An even more important factor preventing the use of lockout is that few elected trustees would risk the public animosity that a lockout would create since it would deny children their educational right.

There are a number of other basic differences between the public school system and the private industrial system which prevent a direct comparison to be made between the right to strike by teachers and other employees. The first and most obvious difference is that unlike an industrial employer a school system is neither profit orientated or profit motivated. This is a fundamental distinction since (a) the schools produce no revenue, (b) the trustees are not responsible to shareholders for profits and dividends, (c) the productivity of the teacher is not and apparently cannot be measured, (d) the trustees are not shareholders and have no personal monetary interests in the expenditures of the system, and, (e) the school system is not in competition with other organizations so is not concerned with pricing itself out of the market. Instead of being concerned with competition, and profits the trustees' attention is focused upon the proportion of school expenditure that are to be absorbed by the provincial government and the impact of increased costs on local taxes.

The second difference between a strike by teachers and industrial employees is that unlike most employers a strike does not cause a loss of business or profits to trustees. Although the teachers claim that the strike is purely an economic weapon there is no financial pressure placed on the school trustee by a strike. Instead, the strike produces social and political pressures upon him rather than economic pressures. This pressure stems from the responsibility he shares in the damage caused by the strike to teachers/trustee relations and in the number of school days lost by the children in the community. Thus the strike exposes the elected trustee to social and political pressure from both his constituents and from the government.

The third difference between strikes by teachers and industrial employees involves the matter of teacher tenure. In order to protect students from the instructional hazards associated with a turnover in teaching personnel during the school year, most provinces prevent either the teachers or the board from terminating a teacher's employment during the school year (except under special circumstances and by mutual consent). This restriction has the unique effect of not only preventing illegal strikes but also prevents a teacher from seeking other teaching employment either prior to or during a legal strike. Unlike the industrial employee, the teacher is not free to quit if he does not like the way negotiations are proceeding or if he does not want to become involved in a strike. Instead the teacher must be available to return to the classroom as soon as a legal strike is settled. Therefore, unlike industrial employers, the school board is protected against loss of teaching staff during a strike.

The fourth major difference between strikes in the school and industrial system results from teacher association membership being compulsory in five provinces. Therefore, unlike industrial employers, school boards in these provinces cannot utilize "strike breakers" since only persons who are "members in good standing" of the association can teach in the schools. Naturally anyone who violates a strike order is not "in good standing" and therefore, by legislation, cannot teach in the school. This "closed shop" prevented the Strathcona school board from using volunteer mothers (who held valid teaching certificates) in the classrooms and from televising class material during the 1963 strike in Alberta.

The fifth major difference between the systems concerns the degree of third party involvement during a strike. In some provinces the Department of Education is so deeply involved with teachers' salary determination that it becomes difficult to discover whether the "employer" is the school board or the provincial government. In all instances the major source of revenue for teachers' salaries is the provincial government and not the employing school board. This produces the situation where the government is either the employer or the major source of salary revenue, on the one hand, and acts as a "neutral" third party on the other hand.

The final major difference between the two systems is the sensitivity of the teachers and trustees to public sentiment and/or pressure. It becomes very evident that neither party wants to force a crisis and expose themselves, and to the wrath of this pressure. Teachers have recognized the force of this pressure and it is a matter of record that they have been extremely reluctant to conduct strike action, and

"In innumerable instances they have offered revised proposals, agreed to reductions in conciliation awards, and even accepted no salary increase for many of their group, rather than taking the ultimate action of voting a withdrawal of services". 17/

Thus public opinion plays a much greater role in teacher-trustee negotiations than it does in industrial negotiations.

E. RIGHT TO STRIKE: A BALANCE OF POWER

Many teachers claim that they must have the right to strike in order to offset the boards' power to say "no". They feel that:

"...a school board, simply by refusing any proposed change in the agreement, by declining to meet frequently with the teachers' committee, and by rejecting a conciliation award, can and does exert massive and effective power in the negotiation process." 18/

They suggest that by saying "no" the board is able to force the teachers to take action which they otherwise would not take. If such is the case the board could "force" the teachers into accepting an unreasonable salary structure. Therefore the teachers argue that only when they have the right to strike will there be a balance of forces (the right to say "no" versus the right to strike) which will lead to sincere efforts by both parties to reach a peaceful settlement.

F. THE STRIKE RECORD

The records show that there were twenty-two strikes by teachers in Canada between July 1960 and July 1967. 19/ Nineteen of these occurred in Quebec (6 of which were illegal strikes), two in Alberta and one in Saskatchewan. With the exception of Quebec neither the frequency nor severity of these strikes is alarming. The strike in Saskatchewan lasted for 3 days and the strikes in Alberta lasted for 7 and 9 days. However,

both the frequency and the duration of the strikes in Quebec is cause for concern. Eleven of the 17 strikes in Quebec closed the classrooms for 15 days or more, of which 7 lasted for more than one month. These strikes amounted to a total of 2,995 lost teacher-days in Alberta, 1,617 lost teacher-days in Saskatchewan and over 344,200 lost teacher-days 20/ in Quebec in the seven year period.

G. IMPACT OF STRIKES UPON STUDENTS

An examination of the literature reveals that the opposition to the teachers' right to strike is generally based on the impact of the strike upon the students -- As stated in a Globe and Mail editorial,

"there is always an innocent third party that suffers in a strike situation; but seldom has a third party been so helpless or so vulnerable or so numerous". 21/

Some critics consider a teachers' strike as being unprofessional because of its impact upon the students and not because a strike is unprofessional 22/. Their concern is that, "Many children will suffer, many of them permanently, because of the work stoppage". 22/

In some instances the concern over the well being of the students is over emphasized. It is not so much the strike itself that hurts the education of the students but rather it is the length of the strike and the time of year that the strike occurs that is important. For example a strike lasting up to about 5 days in September or October is not critical since the teachers can make up this lost time before the year is completed. However a strike of a similar length of time occurring in the Spring will directly affect the amount of material covered by the teacher. Many educators seriously question whether there are any actually long term affects from a loss of a week's schooling even in the Spring. A lengthy strike creates

a different problem regardless of whether it occurs in the Fall or the Spring. For example the 31 school days lost during November and December 1963 in the St. Tite-des-Caps strike is just as serious as the 30 school days lost in the Outaouais secondary schools during January and February 1966.

It would appear that in order to recognize the individuals' right to withdraw his services and at the same time protect the students' right to an education, attention should be focused not upon whether a strike is good or bad but upon controlling the time of year that strikes may occur. In so doing it appears as though both of these rights can be protected in the school situation. This would mean leaving the parties free to negotiate during the Spring but compelling them to focus their primary attention upon reaching a settlement by June 30. If a settlement is not reached, the summer months could be used as a cooling off period with a compulsory mediation period at the beginning of the school year in September. Should this mediation fail a strike vote could be taken and, if required, a strike could be allowed to occur in late September or early October. Normally the public pressure will be enough to insure that such a strike is of a short duration. However as a form of insurance a "show-cause" public hearing could be held after a strike passes its eighth day. Thus public pressure from this hearing should be enough to force a settlement. In this way the strike will still produce the desired economic, political and social pressures upon the parties but its impact on the education of the students will be minimized. The school curriculum could still be accelerated or, if necessary, the Christmas and Easter vacations could be shortened in order to ensure that students receive the required educational content.

H. COMPULSORY ARBITRATION

Canadian teachers are, in general, opposed to compulsory or imposed settlement of disputes. They view that the existence of such machinery generally results in most contract negotiations being referred to arbitration. Teachers' claim that experience in British Columbia and Manitoba has shown that often at least one of the parties will not make any real attempt to reach a negotiated agreement but will wait and see what the arbitrator will do. Thus, they claim that either or both parties may simply "go through the motions" rather than sincerely negotiating. This may be a problem particularly in non-profit educational systems where elected trustees and teachers' committees are often reluctant to assume responsibility for a settlement or its impact on taxes. Thus compulsory arbitration may become a scapegoat. As stated at a BCTF Convention:

"Settlement of salaries by arbitration, which is intended by the Public Schools Act as a last resort, is becoming the general rule".23/

Canadian experience with obligatory awards among teachers and other employed groups has been that they do not eliminate strikes but merely make them illegal. In general, it is impossible in a free society to coerce any substantial segment of the population into accepting conditions which are not freely and generally acceptable to them. The right to withhold services must be an inalienable right in a free society. Any attempt to restrict this right merely results in the development of such techniques as coincidental resignation and "study" sessions.

Experience has shown that where the parties voluntarily submit their dispute to arbitration that the arbitrated awards generally follow the pattern established by negotiated settlements. However when all unsettled

disputes must go to arbitration then a pattern may not be established through negotiated settlements. In these cases teachers are justly concerned about the precedent an arbitrator may establish. This problem is intensified due to the high turnover of arbitrators which results in little consistency between arbitration awards. Furthermore the fear that an inexperienced arbitrator may merely "split the difference" may cause the parties to assume and retain unrealistic positions throughout negotiations. Or it may result in the parties falling back to their original positions as soon as a dispute is referred to arbitration (as is the case in Manitoba).

A.W.R. Carrothers, Dean of the Faculty of Law, University of Western Ontario, dislikes the use of arbitration in the settlement of disputes because:

- (i) The shifting to a public body of a private responsibility implies a lack of maturity.
- (ii) Issues such as social and economic policy which are settled by arbitration ought to be settled by the legislative rather than by quasi-judicial bodies.
- (iii) Arbitration is merely a clumsy substitute for the ultimate sanction of a work stoppage and often involves "more inquisition than adjudication". 24/

Others who are familiar with collective bargaining in non-profit situations concur with Dean Carrothers that compulsory arbitration is no solution to salary dispute problems.

I. ALTERNATIVES TO THE STRIKE

At best, the use of any sanction against an employer is an unpleasant

necessity. However, the teachers feel that unless they are able to invoke some meaningful sanction against a recalcitrant school board they will never achieve equal power at the bargaining table. Genuine negotiations result only when each party recognizes and respects the power the other possesses. An ideal situation is one where the power of both parties is relatively equal and where, as a consequence, both are equally concerned with finding a compromise rather than testing the other's strength. Therefore, many teachers have felt it necessary to develop alternative sanctions when the legal right to strike is either denied them or rejected by the teachers themselves as the ultimate sanction. These alternatives follow.

1. Coincidental Resignation

The coincidental or mass resignation may be viewed as merely a delayed strike. Under this technique all or the majority of the teachers in a unit submit their resignations as required by their individual teaching contracts. Thus, in Ontario for example, the teachers submit their resignations on May 31 which become effective on the last day of the school year — Aug. 31. The school board is then placed under considerable pressure to reach a settlement. They become concerned that not only might they be without teachers in September but they fear that, if a settlement is not reached quickly, many of their teachers will apply for and accept positions with other school boards. Hence this technique imposes pressure to act, and to act immediately. Coincidental or mass resignations are used by teachers in Ontario and Nova Scotia and recently (1969) by those in Quebec. In both Ontario and Nova Scotia the trustees indicated that this technique exerts considerable pressure on them and they considered that, from the teachers point of view, it is a very effective technique.

Normally rather than each teacher individually submitting his resignation the practice has been for the teachers to give their resignations to their chief negotiator who will submit them all at once at the bargaining table. In all cases a mass resignation will be used in conjunction with an "in-dispute" designation in order to prevent the school board from replacing teachers who resign. Naturally one of the provisions of the negotiated settlement is an agreement that all those who resigned in protest are fully reinstated.

The technique of coincidental resignation is not as "clean" as the strike. Many of those who coincidentally "resign" do not return to that school jurisdiction because they accept other teaching positions during the in-dispute period. This is particularly the case if settlement is not reached by the end of June. As a result, the school jurisdiction is extremely short of teachers for the entire school year. Hence, these coincidental resignations not only may place temporary pressures upon the board, but also may seriously affect the operation of the school system for a two or three-year period. For example, as a result of the mass resignations submitted in Toronto this year, the Toronto secondary school system expected to lose some 200 experienced teachers in addition to the normal turnover of about 300 teachers. The president of the Ontario Secondary School Teachers' Federation said it "will take the Toronto schools 10 years to recover" 25/ from the loss of these teachers. This loss was expected even though agreement was reached before schools opened in September. Despite these drawbacks, the use of coincidental resignation by teachers has been accepted by the public and the press in many parts of Canada where there has been a strong reaction against the concept of teachers striking.

The effectiveness of mass resignations is dependent upon the support of the individual teachers within the bargaining unit as well as of those throughout the province. Support of those in the unit is required to obtain enough resignations, and support by those outside the unit is required to ensure that they won't fill the disputed positions. This support may be strongly influenced by the demand for teachers and the availability of teaching positions. Consequently, it is possible that this technique may only be effective as long as the present teacher shortage exists.

Trustees in Ontario have attempted to reduce the impact of mass resignations by attempting to ensure that teachers who have resigned en masse are not hired by another board. This has been done by circulating the names of the teachers who resigned en masse and requesting other boards not to hire them. It is not known how effective this technique has been.

2. Publicized Disputes

The second alternative sanction, the publicizing of dispute situations or the "in-dispute" designations, has been used in Nova Scotia, Ontario, Saskatchewan and Manitoba, and recently in New Brunswick. During their 1965 Convention the teachers in British Columbia voted against using this technique. It has, however, been most widely used and most effective in Ontario. Under this technique the teachers' association sends letters to all teachers advising them against signing individual teaching contracts with a particular school board where a settlement has not been concluded. This is usually followed by daily notices in the press. This highly effective device is a form of "blacklisting" of school boards and is referred to

euphemistically as "pink-listing" or "gray-listing" depending on the colour of paper on which the letters are printed.

The concept of in-dispute designation is not new since it has been used by the labour movement for some time. In many ways it may be compared to a picket line established by a trade union. It is a method of declaring that a dispute exists and calling for the support of others in the profession. This support in this case is in the form of the teachers refusing to seek or accept employment with the disputed board. The pressure is created because the board is unable to obtain the teachers it needs. This pressure is significant because of the tight labour market for teachers and the short, highly competitive recruitment period (usually the months of May and June). The in-dispute designation is quite different from a strike or a mass resignation in that the success of the sanction is entirely dependent upon the action and support of teachers who are not involved in the dispute. This is why it is normally used in conjunction with a mass resignation. Both the teachers and trustees report that this is an effective technique. It applies pressure to the board but does not develop public resentment. It is also considered to be a "professional" sanction.

The trustees in Ontario have developed a defense against in-dispute designations. The "sanction" is effective because the school board is afraid that all available teachers will be hired by other boards and that they will be faced with a shortage. To offset this pressure all the school boards in the greater Toronto area agreed to suspend hiring if one of them was "pink-listed". This has the effect of removing the pressure of the sanction from the disputed board.

3. Study Sessions

A sanction used primarily by the teachers in Quebec is the "declared" study session. It is a legal method of protesting since the school law empowers the principal to close his school for one or two days for certain reasons including the holding of special conferences. Under this technique the teachers walk out of the classroom and hold an all day meeting to "study" their grievances. The largest study session occurred when all the teachers "studied" Bill 25 when it was passed.

4. Work to Rule

Another sanction which has been borrowed from the labour movement is the "work to rule". This technique was perhaps first perfected by the public service employees - particularly those in the post offices. In provinces where teachers do not have the right to strike they may apply pressures on the school board by "working to rule". In the school, this means that the teachers confine their professional services only to those duties required by law. They refuse to perform the many "voluntary" duties normally performed -- such as lunchroom and playground supervision, athletic coaching, etc. This technique naturally causes a disruption in the total school program and thereby puts pressure on the school boards. It has been used recently in Quebec and Saskatchewan but has been talked about or threatened in other provinces.

5. Rotating Strike

The teachers in Quebec have borrowed a technique developed and utilized by the Canadian Union of Public Employees (CUPE) against the Quebec Hydro Corporation. In order to put pressure on the Corporation without

causing the public turmoil created by a power strike, CUPE held a number of one-day strikes, each day against a different sub-station. The union gave the Corporation twelve hours notice for the first strike and reduced the notice by three hours for each strike that followed. The Corporation was able to maintain service by using supervisory staff, diverting power and purchasing power from other provinces. This same technique was used by the Quebec teachers in February 1969 in an attempt to break a deadlock in their negotiations with the Government, except that the teachers did not give the school boards any warning.

6. Political Action

The use of political action is not really a sanction. Teachers in Canada have traditionally been very active in politics and are at present the second largest professional group in Canada involved in politics at all levels. Undoubtedly this fact has assisted them in securing the governmental and legislative support they enjoy. The use of political action or "politicking" has been common throughout the development of teachers' associations in Canada and there is every likelihood that its use will continue in the future.

7. Other Protest Action

A somewhat unique form of protest was used by the teachers of Regina in 1965 when they refused to accept the salary increases offered by the board. They decided that the increases were inadequate and that they would continue teaching on the old salary rates. Their view is that: "...in doing without raises is a means of standing firm without resorting to withdrawing their services". 26/

J. THE BALANCE SHEET

In examining the consequences of the various types of sanctions there is evidence to suggest that the strike is "cleaner", more effective and less disruptive than either the coincidental resignation or the in-dispute designation. The latter two may be more disruptive to the school system in the long run than the strike. The use of any form of economic sanction carries with it a risk of damaging teacher-trustee relations. However, with a strike the board is assured of still having a staff when the settlement is reached. But with a mass resignation or an in-dispute designation there may be inadequate staffing and a reduction in the overall quality of the teaching staff for a number of years. A strike brings the dispute to the surface and clears the air with few long-run effects, whereas the in-dispute designation and the mass resignation have the potential for more permanent long-run effects.

K. THE PROVINCIAL EXPERIENCES

1. British Columbia

A system of compulsory arbitration for teachers' disputes was introduced in British Columbia in 1937. There have been no teachers' strikes, either legal or illegal, in British Columbia since that time. There has been only one threatened walkout in the Province and both the teachers' and the trustees' associations indicated that no other forms of sanctions are actively employed by teachers in British Columbia.

A threatened walkout occurred in 1958 when a number of school boards acted in unison and offered their teachers a salary proposal on a take-it-or-leave-it basis. These proposals were rejected by teachers. Arbitration

at that time could be invoked at the request of either party. The school boards refused to appeal to arbitration and the teachers took the position that since there had been no negotiations there was no impasse so they too would not appeal to arbitration. Instead they threatened to place the 58 school districts involved in dispute. With nearly one-half the districts in the province involved, the Minister intervened. The outcome was a change in the Act compelling negotiations and making a referral to arbitration by the conciliators automatic if no settlement had been achieved by November 15.

The parties in British Columbia appear to be able to resolve their differences without the need of economic sanctions. An indication of the satisfaction with the present "arbitration" system was the defeat of a resolution seeking the right to strike at the 1966 British Columbia Teachers' Federation's Annual General Meeting.

2. Alberta

The teachers in Alberta have had the right to strike since 1941. Prior to that time there was no legislation either permitting or prohibiting teacher strikes. An examination of the records show that only two strikes occurred prior to 1941: one in Edmonton in 1921 and another in Blairmore in 1925. Between 1941 and May 1969 there have been eight strikes in the province. These were:

Nov/42, Vegreville (33 school days lost),

Nov/53, West Jasper Place (5 school days lost),

July/53, Newell County (10 school days lost),

Aug/55, Clover Bar (9 school days lost),

June/57, Normandy (20 school days lost),
Aug/60, Leduc (9 school days lost),
Oct/63, Strathcona (5 school days lost),
March/69, Three Hills (4 school days lost).

These strikes have resulted in a loss of only 0.012 of one per cent of the total teaching days in Alberta from 1941 to 1964 compared to 0.17% total working time lost due to strikes in Canada for all industries. 27/

The following are the details behind some of the strikes which occurred in Alberta since 1960.

(a) Leduc School Division

The Leduc School Division is about 20 miles south of the city of Edmonton. Negotiations between the school board and the Leduc local of the Alberta Teachers' Association, began in March/59 and continued at the local level to June 3/59. On June 17/59, the matter was referred to an ATA bargaining agent who carried on the negotiations until October 21/59. A conciliation Commissioner was applied for and after his attempts to conciliate the matter failed he submitted his report to the parties on December 16/59. The teachers accepted his recommendations but they were rejected by the school board. Conciliation Board hearings commenced on February 15/60 and its award (made on April 7/60) was again accepted by the teachers and rejected by the school board. A strike vote was taken and, after further meetings between the school board and the ATA, strike action was initiated when school opened on September 1/60. The strike of the 157 teachers lasted for 9 school days between September 1 to 15/60.

Unlike most disputes it was the accumulation of sick leave and not salaries that was the main issue in this strike. The Alberta School Act provides teachers with a maximum of 20 days paid sick leave a year and the 1959-60 Leduc agreement allowed unused sick leave to accumulate from year to year up to 200 days at full pay. The school board proposed that accumulation for the first 150 days be at full pay and the remaining 50 days at one-half pay. The Conciliation Board ruled in favour of the teachers and recommended 200 days at full pay. During the strike the Deputy Minister of Labour intervened as a mediator and a compromise settlement was reached which allowed 180 days accumulation at full pay. Obviously this strike was over a matter of principle and was emotionally based because sick leave is a very minor cost item.

(b) County of Strathcona

The County of Strathcona is located on the eastern boundary of the City of Edmonton. Negotiations for the 1962-63 school year commenced with a meeting between the parties in April, 1962. After another meeting in June/62 the ATA bargaining agent was called in by the teachers and he held one meeting with the school board in Sept/62 and another in Dec/62. As an impasse had been reached on the matter of salaries and administrative allowances a Conciliation Commission was requested and met with the parties on February 5/63. Since both parties rejected his recommendation, a Conciliation Board was established and heard the parties submissions on June 26/63. The school board accepted the Conciliation Boards' recommendation early in July and the teachers rejected it on September 13/63. The teachers subsequently voted in favor of strike action. Although negotiations continued through the period October 3 to 6/63 a strike of the 229

teachers commenced on October 9/63 and was not resolved until after mediation by the Deputy Minister of Labour. The teachers returned to their classrooms on October 21/63 to end the seven day strike. (However the pupils only missed 5 school days since two of these days the schools would have been closed anyway so that the teachers could attend ATA conference).

After the strike commenced the school board became concerned with informing its rate payers of the facts of the situation. They hired a local consulting firm to assist it in this regard and advertisements appeared in the local newspapers, radio and television interviews were conducted, community information meetings were held throughout the County and an information report was sent to all ratepayers in the County. The result of this activity was that public sentiment in the County supported the school board's position. In fact a local group of ratepayers organized and submitted a petition (signed by 5,000 of the 8,800 ratepayers) to the Alberta Cabinet calling for removal of the teachers' right to strike. In addition many mothers (most of whom were ex-teachers) offered to temporarily staff the classrooms. This public support was felt to be a vital factor in determining the position of the parties during the strike. For example, towards the end of the strike the public support began to sway, not necessarily in favor of the teachers but in favor of getting the schools reopened. It was at this time that the school board first conceded that perhaps the ultimate settlement would have to be higher than that recommended by the unanimous conciliation board. The teachers accused the school board of adopting a strategy of utilizing public opinion in order to gain the support of the ratepayers and parents in the County.

(c) Three Hills

Relationships between the school board and its teachers' bargaining committee have been strained for a number of years now. Tensions have built up and were carrying over from one contract year to another. It was perhaps inevitable that negotiations for the 1968-69 school year should become completely deadlocked. As a result of the failure of both conciliations steps, the teachers voted to strike. This strike commenced on March 10, 1969 despite the mediation attempts by the Vice Chairman of the Board of Industrial Relations. This strike lasted for four teaching days before a settlement was reached.

3. Saskatchewan

(a) Strikes

Teachers' salaries in Saskatchewan during the 1930's were very low. Aggregate rural teachers' salaries in 1937 was 57 per cent less than it was in 1926. In addition 2,909 of the 5,151 school districts in the provinces had a backlog of unpaid salaries. 28/ It was at this time and in this context that the Federation adopted a policy approving the use of strikes by teachers. This policy is still in effect today. Although not specified in the Act, the Department of Education confirmed that the teachers do reserve the right to strike. 29/ This strike weapon has only been used three times in the history of the Federation. The first was an 8-day strike in Moose Jaw in 1942, the second a 3-day strike in Regina in 1964 and the third a 10-day strike by the Eston-Elrose teachers in April 1969.

(1) The 1964 Regina Strike

During 1964 teachers in the elementary schools of Regina, Saskatoon

and Prince Albert sought a salary scale equivalent to that in secondary school system. At that time teachers in the elementary schools were paid less than secondary teachers with the same qualifications. The elementary teachers in Prince Albert and Saskatoon agreed to a salary schedule that was somewhat lower than the schedule for the secondary teachers but the elementary teachers in Regina refused to teach unless parity was achieved. As a result, schools in Regina did not open on September 1st 1964 as scheduled. While the teachers only remained on strike for 3 days, the schools did not open until September 8th because the school board had already announced that schools would remain closed for this length of time due to the strike.

(ii) The 1969 Eston-Elrose Strike

The walkout by the Eston-Elrose teachers was the result of, what the teachers considered to be, protracted negotiations in their Area (area 7). On March 14, 1969 the teachers warned the school board that if settlement was not reached by April 14th a walkout would occur. The teachers fulfilled their threat and the strike lasted from April 14th to April 25, 1969 at which time a settlement was reached.

As might be expected the Saskatchewan trustees are against the teachers having the right to strike. They feel that strikes are against the interest of the public and that "a strike by teachers is superficially a strike against trustees, but it is obvious that the adverse effects must and do fall on the children alone". 30/ The policy of the teachers' Federation makes it clear that it "...should take such steps as may be required to make sure the right to strike is retained by Saskatchewan teachers. 31/ The teachers' support their argument for the retention of

the right to strike by noting (a) that no other employee group in Saskatchewan has been deprived of the right to strike, (b) that even in British Columbia and Manitoba, arbitration was not imposed upon the teachers —they agreed to it, (c) that throughout the economy the right to strike is being extended not restricted and (d) compulsory arbitration does not guarantee "finality" as there are "...alternative courses of action that can be taken by a group in reaction to an imposed arbitration award". 32/

The Moore Committee in rejecting the trustees' request for compulsory arbitration stated that "strikes by teachers have not, thus far, posed any serious threat in our province". 33/ They concluded that there would be no purpose served by any reference to strike action in the Act. The new statute follows Moore recommendation and remains silent on the strike issue.

(b) "In-Dispute" Designation

After the Minister of Education established a voluntary procedure for collective negotiations in 1946 the teachers found that not all boards were willing to voluntarily negotiate. It was at this time that the Federation adopted a policy of declaring a school district to be "in-dispute". Initially this designation was applied against those boards who would not bargain voluntarily with its teachers. Once a school jurisdiction is declared "in-dispute" no teacher will apply or accept a position in that jurisdiction until the dispute has been settled.

The Federation changed its policy in 1953 so that teachers would not apply for positions with boards until negotiations had been concluded. Under this procedure all units were, in essence, "in-dispute" until an

agreement was signed. This policy continued until 1957 when it was revised so that only those boards where the teachers were experiencing "extraordinary difficulties" during negotiations were declared to be "in-dispute". In practice only if conciliation fails are boards declared "in-dispute".

The trustees regard the teachers' use of the "in-dispute" designations as a most harassing situation. The teachers consider that an "in-dispute" designation is simply a warning that a strike will follow if the board does not increase its salary offer. However the trustees feel that there is really little to choose between an "in-dispute" designation and a strike since they know that under the "in-dispute" designation they are going to be faced with a strike (unless they increase their offer) but in the meantime they are unable to recruit teachers for the ensuing year. As they state:

"In-dispute" declarations and mass resignations are based on belief in the efficacy of force rather than justice and reason. It matters little whether capitulation to the application of force comes on the eve of strike or shortly thereafter. 34/

The teachers on the other hand feel that the "in-dispute" declaration is simply a warning to the trustees that unless agreement is reached a strike might occur in the future. As the Federation stated:

....use of the "in-dispute" declaration serves as a preliminary to the decision of a group of teachers to withdraw its services..... In the event, that further negotiations do not result in agreement, however, the local group of teachers reserves the right to conduct a vote of its members and to set a date for strike action. 35/

(c) In-dispute Experience.

The following summarizes the extent that "in-dispute" designations have been used. It should be noted that this procedure has been used for issues other than merely salary disputes.

1947 to 1949

- Kamsack Public School District (February 7-10, 1947)
Board's refusal to include negotiated salary schedule as part of the teachers' contracts.
- Graton Roman Catholic School District (April 16 to May 27, 1948)
Board's refusal to enter into negotiations with teachers for the adoption of a salary schedule.
- Carnduff School District (May 21 to 26, 1948)
Board's refusal to bargain collectively. Board advertised for new teachers for all of the teaching positions and told its present staff that they could apply if they wished.
- Tuttleford School Unit (May 20 to 26, 1948)
Board's refusal to negotiate or to arbitrate in accordance with STF and SSTA agreement.
- Carnduff School District (May 12 to June 2, 1949)
Board's dismissed of two teachers (20 and 22 years of experience) and no reasons were given. Teachers alleged that the dismissals were in retaliation for attempts to establish a salary schedule the previous year.
- Yorkton Public School District (May 27 to June 2, 1949)
Dismissal of a principal (27 years of service) who was a member of the salary negotiating committee. No reasons were given.
- Maidstone School District (May 28 to June 2, 1949)
Teacher's resignation requested on grounds that salary according to the negotiated schedule would be too high.
- Paynton School District (May, 1949)
Teacher asked to resign and then dismissed because the salary schedule would have given her a very large salary increase.

1950 to 1957

- Battleford School District (May 29 to September 7, 1950)
Principal with two years experience dismissed, allegedly for political activity.
- Waldheim School District (June 7 to July, 1950)
Teacher dismissed because of rumours about his conduct.
- Prince Albert School Unit (May to June, 1950)
Board sent notices to all its teachers terminating their contracts and expected this action to terminate the collective agreement.
- Assiniboia School District (June 29 to August 9, 1951)
Following a history of teachers who were on the negotiating committee

being dismissed, the board dismissed a principal. No reasons were given.

- Melville School District (August 1951)
Conciliation award accepted by the school board and the teachers but the Local Government Board refused to grant the authority for spending the additional money required by the new schedule.
- Fort Qu' Appelle School District (May 16 to July 26, 1952)
During negotiations three teachers were dismissed and no reasons given.
- Qu' Appelle School District (August 14 to 18, 1952)
Board rejected conciliation award and advertised for a principal quoting a salary above the schedule but below the conciliation recommendation.
- Prince Albert School Unit (August 5 to October 26, 1957)
Board rejected conciliation recommendation to reinstate a principal under a provision of the Teacher Tenure Act.

1958 to 1968

- Neudorf School District (March 29 to July 10, 1958)
Board asked two teachers to resign and no reasons given. Teachers refused. The contract of the non-tenured teacher was terminated and again no reason was given. Teachers alleged that board's action was in retaliation for the teachers' aggressiveness during negotiations.
- Herbert School Unit (June 19, to July 3, 1958)
Conciliation board award rejected by the teachers.
- Humbolt Roman Catholic School District (May 29 to June 4, 1959)
During the first year of contract negotiations three of the teachers' bargaining committee were dismissed (who did not have tenure) and one other was demoted (who did have tenure).
- Shaunavon, Gull Lake and Melfort School Units (April 17 to June 13, 1961)
School boards in all three areas requested a downward revision of the salary schedule and the conciliation board recommended no increase in salaries. All three boards were declared to be "in-dispute" by the teachers. School boards circulated a "do-not-hire" list to other school boards. On May 23rd teachers decided to resign en masse effective June 30th. The trustees' Association refused to negotiate anywhere in the province until the "in-dispute" designation was lifted. The Minister of Education intervened on June 10th, the "in-dispute" designation was lifted on June 13th and an agreement reached on June 28, 1961.

- Saskatoon Public School District (April 17, to August 25, 1964)
Negotiations broke down over merit rating, removal of supervisory personnel and equal salary for public and collegiate school boards. Teachers rejected conciliation recommendations and the District declared "in-dispute". On June 23rd teachers agreed not to return to the classrooms in September unless agreement was reached. Agreement reached on August 31st.
- Regina Public School Board (May 11 to September 5, 1964)
The Regina school board was declared "in-dispute" prior to the September, 1964 teachers' strike.
- Estevan Public School Board (December 12, 1968 to Jan. 1969)
The Estevan teachers declared an "in-dispute" in December and decided that they would resign en masse if their dispute was not settled by January 15, 1969. This action was taken as a result of a reprimand given to a teacher for disciplining a student. The school board circulated a "do-not-hire" letter to other school boards.

1969

Considerable difficulty was experienced by many of the teacher-trustee groups during their negotiations for the 1968-69 school year. This was the first contract on an "Area-wide" basis and therefore there had to be many adjustments made within each of the Areas. As of April 1, 1969 the sanctions used by the teachers during these initial Area-wide bargaining sessions were,

- Northern Areas Board - on January 15, 1969, 112 teachers agreed to resign effective August 31st in support of a minimum basic starting salary of \$5,000 (agreement reached on April 28th).
- Eston - Elrose (Area 7) - by March 14th the teachers had threatened to take selective strike action (rotating strike) starting on April 14th. (These teachers were on strike from April 14th to April 25th before a settlement was reached).
- Rosthern and Saskatoon West (Area 6) - threatened to withdraw services unless an agreement was reached (settlement reached on April 15th).
- Lloydminster (Area 10) - teachers submitted their resignations en masse effective April 14th (settlement was reached on April 27th).
- North Battleford and Wilkie (Area 10) - teachers withdrew voluntary professional services (settlement reached on April 27th).

- Area 2 - teachers withdrew voluntary professional services on March 24th.
- Govan (Area 4) - teachers threatened to resign effective May 30th if agreement is not reached by April 30th.
- Lestock (Area 4) - teacher withdrew voluntary professional services.
- Tisdale (Area 8) - teachers submitted their resignations en masse effective May 1st.
- Nipawim, Carrot River and Prince Albert (Area 9) - teachers withdrew voluntary professional services.

It becomes apparent that the teachers used a wide variety of the arsenal of sanctions available during their first year's experience at bargaining on an Area-wide basis. The strike, in-dispute designation, threatened mass resignations, political action, threatened rotating strikes and work-to-rule (withdrawal of voluntary professional service as it is referred to by the teachers). An interesting counter-attack to this work-to-rule tactic was used by the Minister of Education in Saskatchewan. In April, 1969 the teachers in six school districts and all those in one entire Area had withdrawn "voluntary professional services" (and more teachers had threatened to use this technique). At this point the Minister of Education exerted pressure on the teachers by threatening to amend the statute so as to define these "extra duties" so they would thereby no longer be "voluntary," (these "extras" would become included in the "rules"). 36/

4. Manitoba

(a) Strikes

Teachers in Manitoba originally obtained the right to strike when they became certified under the Labour Relations Act in 1948. This right to strike was voluntarily given up by the teachers in 1956 when they agreed

to transfer their right to bargain from the Labour Relations Act to the Public Schools Act. It was perhaps easy for the teachers to voluntarily give up the right to strike at this time because it had never been used or seriously threatened during the eight-year period that teachers could legally strike. In addition, there was considerable membership opposition to the "union stigma" attached to being included under The Labour Relations Act and to the strike concept. In recent years, with the concept of professional "union" activities becoming more widely accepted, many teachers are now advocating that they regain the right to strike. To this end, the teachers' Society's Annual General Meeting in 1965 established a committee to examine the right to strike question. The report of this committee was presented to the membership in 1966 and a right to strike resolution was turned down at the Annual General Meeting in 1967. This was the second time that such a resolution has been voted against by the membership since 1956.

Manitoba is the only province in Canada which expressly prohibits the teachers' right to strike. The Public Schools Act states "no teacher shall strike". 37/ The term strike as used in this Act is the same as in The Labour Relations Act which reads:

strike includes a cessation of work, or refusal to work or to continue to work, by employees, in combination or in concert or in accordance with a common understanding, for the purpose of compelling their employer to agree to terms or conditions of employment or to aid other employees in compelling their employer to agree to terms or conditions of employment. 38/

The first, and I understand only, teachers' strike in Manitoba took place in Brandon in 1922. The records are not complete concerning this strike except that it failed to resolve the issue in dispute.

The Society's 1966 "right-to-work" committee reported that the following conditions in Manitoba would hinder the successful use of the strike: (a) the proliferation of small school districts, (b) lack of compulsory membership (no effective disciplinary action may be taken against strike breakers), and (c) the Society does not have substantial reserves to act as a strike fund or the power to assess its members a special fee in case of a strike.^{39/}

(b) In-Dispute Designation

The teachers' Society has established an "in-dispute" designation as a sanction to be used during negotiations but it has not been used for the past 8 years. It is a procedure whereby the teachers are referred to the Society before accepting a teaching position in a jurisdiction declared to be "in-dispute". The Society does not feel that the compulsory arbitration requirements weaken the effectiveness of this sanction. When used, the practice is to declare a troublesome area to be "in-dispute" long before the matter is referred to arbitration

5. Ontario

(a) Strikes

There is no legislation in Ontario which either permits or prohibits the teachers' right to strike. Some feel that because of this the teachers, in effect, have the right to strike. However, others consider that teachers do not have the legal right to strike because of the teaching contract signed by every individual teacher with his school board. There is also a "gentlemen's agreement" between the teachers' Federation and the trustees' Council that strikes will not take place. The reason given for the teachers not seeking or using the strike weapon is that they support the maintenance of a "professional" rather than a "trade union" approach.

The teachers in Windsor conducted a strike vote of their members during negotiations in 1967. This move was rather puzzling since they could not go on strike anyway. As one of the executives of the Ontario Teachers Federation stated "I really don't know what they were going to do with it". Perhaps it was merely a gesture as a show of strength.

The press reported in 1967 that the Women Teacher's Federation was building a "strike fund". This was in fact a misnomer in that the executive was authorized to use a \$200,000 building fund for professional services in case of emergency. Thus if a group of their teachers resign en masse and the dispute is not settled by the time school reopens, these funds could be used to pay teachers their salaries until the dispute is resolved.

(b) In-Dispute Designations:

Ontario teachers have developed an in-dispute designation technique which they consider to be effective for exerting pressure upon school boards. This technique is called a "pink listing" or a "grey listing". The Ontario Teachers' Federation considers this technique to be more acceptable to both their members and to the general public than is the strike weapon. In addition Section 18 (1) (c) of the Regulations to the Teaching Profession Act may be interpreted as supporting these in-dispute designations. This regulation requires that a member shall "refuse to accept employment with a board of trustees whose relations with the Federation are unsatisfactory".

A "pink listing" and a "grey listing" are simply letters notifying the teachers that negotiations have broken down with a particular school board. The Ontario Secondary school Teachers' Federation use the term "pink listing"

and the letter they send to their members is printed upon pink paper whereas the Federation of Women Teachers' Association of Ontario and the Ontario Public School Men Teachers' Federation issue their letter on grey paper and use the term "grey listing". A copy of a "pink letter" and a "grey letter" is attached in Appendix C.

The wording used in both the pink and the grey letter is subtle but apparently very effective. For example the pink letter merely states that "a disagreement has arisen ..." and that "some of the OSSTF members...will be resigning". The letter points out that while it is not unprofessional to accept a position in the disputed area that any teacher so doing "...will NOT receive any support from the Federation in salary negotiations or any aid in any professional difficulty". The grey letter is perhaps a little more direct. It gives some of the background of the dispute and states that relations with the school board are "unsatisfactory". It also stipulates that any teacher who accepts a position with the disputed board "...will be liable to lose all privileges, protection and benefits afforded by FWTAO and/or OPSMTF".

The number of such in-dispute designations in recent years has been:

	<u>1966-67</u>	<u>1965-66</u>	<u>1964-65</u>	<u>1963-64</u>	<u>1962-63</u>
1. Ontario English Catholic Teachers' Association	2	NIL	NIL	NIL	1
2. Ontario Secondary School Teachers' Federation	2	NIL	NIL	1	NIL
3. Federation of Women Teachers' Association of Ontario	1	NIL	NIL	NIL	1
4. Ontario Public School Men Teachers' Federation	1	NIL	NIL	NIL	1
5. L'Association des Enseignants Franco-Ontariens	1	NIL	NIL	NIL	NIL

From all reports these in-dispute declarations have been very effective. The degree of effectiveness is directly related to the amount of solidarity that exists within the Teachers' Association. The pink listing for example has been "extremely effective" when used by the OSSTF but the OECTA on the other hand have found that their in-dispute designations have been "reasonably successful" in most areas but "quite unsuccessful" in small school boards where only a few teachers are employed. Furthermore the resources of the Catholic teachers' Association are such that they would not be able to support a very large group if the pink listing coupled with a mass resignation failed and schools remained closed in September.

The FWTO and the OPSMTF do not feel that they have really had a good test case to be able to determine how effective the grey listing would work with their membership. They expressed some concern as to whether there would be the necessary solidarity with the elementary teacher, particularly among the married women teachers. The grey listing has only been used once and that was against the North York board in 1967. 40/ As soon as North York was grey listed by the FWTAO and the OPSMFT (and also pink listed by the OSSTF) the trustees' Council had all the school boards in the entire Metro Toronto area stop hiring teachers for a three week period until the issue was settled. This took the pressure off the North York school board since they did not have to worry about losing teachers (both their own and those from other areas) to the other boards in the Metro area. 41/

It should be noted that the FWTAO and the OPSMTF can expel (and have expelled) its members for not adhering to the grey letter. Such teachers receive no mail from the Federation and no Federation support if they get into difficulty with school boards. While expulsion in some provinces

means that the teacher is not allowed to continue teaching such is not the case in Ontario. The Teaching Profession Act requires that all teachers be members of the OTF as a condition of employment. Thus a teacher may be expelled from an affiliate but still remain a member of the OTF (unless he also violates an OTF policy) and thereby is able to continue teaching in the Province.

The Toronto school board attempted to reduce the effect of the OSSTF pink listing in 1967 by threatening to hire retired teachers to staff the classrooms. The OTF promptly responded by recommending that teachers, both active and retired, not accept positions with boards where any of the affiliates have an unresolved dispute. This action was in effect a "double pink listing" in that the OSSTF issued a pink letter and the OTF later supported it. Thus a teacher who ignored the pink letter in this case would have a deal with both the OSSTF and the OTF and could be faced with possible expulsion from the OTF which would prohibit him from teaching in Ontario.

The trustees feel that these pink and grey listings have been "very, very" effective. Many new trustees are "frightened to death" of being pink listed. When the Oshawa separate school was being pink listed in 1967, the chairman of the school board was quoted as stating:

If they damn well want to strike why don't they? They haven't got the guts to do that so they get other jobs and then pinklist us. No other labour force would do this because they know it isn't fair. 42/

He later claimed that he was misquoted and what he had said was:

I would have preferred a situation where these people could strike, thus keeping them in the family, so to speak. As in any family crisis, the problem could be resolved and our

teachers could carry on with the important task of educating our children. 43/

Under either interpretation it becomes clear that the "pink list" technique is effective and "feared" by trustees. In fact some trustees have indicated that in many ways the strike would be preferable to the "pink list" and mass resignation.

1967 was a particularly bad year for "in-dispute" designations in Ontario. There were seven such delegations—nearly twice as many in the previous four years combined. Some of the details behind these situations are as follows:

(i) Oshawa Separate School Board

Despite lengthy negotiations, the Oshawa Separate School Board and the local of the Ontario English Catholic Teachers' Association were unable to agree upon a new salary scale. They met with the executives of their provincial associations on May 30/67 in an unsuccessful "conference" meeting (Step 3). The OECTA then pink listed the Board. In order to support their executive, 84 of the 155 teachers submitted their resignations. As things turned out a special meeting was held between the entire school board (not just the bargaining agent) and the teachers' bargaining committee and the dispute was resolved on June 6/67. This settlement occurred prior to the boards' acceptance of the teachers' resignations. Even though settlement was reached and the resignations not accepted, a total of 47 of the 155 teachers resigned from the board. It is of course, impossible to know how many of these resignations were directly attributed to the dispute.

(ii) Toronto Board of Education

The Toronto board and the Ontario Secondary School Teachers'

Association after lengthy negotiations were able to agree upon all major items in the 1967-68 salary dispute except retroactive pay. This subject was an issue because the Board wanted to change the contracts' effective date from January to September. Part of the problem was an agreement that had been made between the boards of the Metro area that they would not "...use any part of their discretionary $2\frac{1}{2}$ mill tax levy for teachers' salaries". 44/ The Toronto board refused to do so on the grounds that it would set the precedent for the other boards in the Metro area.

The provincial executive of the OSSTF took over negotiations and pink listed the Board. During May 1967 the Toronto elementary teachers voted to provide financial aid to the secondary teachers if they decided to resign. In a secret ballot 84% of the secondary teachers voted to resign on May 31 if the issue was not settled. On May 31, 60% of the secondary teachers (1,137 out of 2,000) actually submitted their resignation to the Board. These letters read:

Inasmuch as the Toronto Board of Education is unable to negotiate a satisfactory salary settlement with the teachers of the Toronto district of the Ontario Secondary Teachers Federation, I regret I must submit my resignation effective August 31, 1967. 45/

Many of these resignations were from principals and administrative teachers. 46/

Both the Toronto Telegram and the Toronto Star supported the teachers' position in editorials on June 2, 1967. They indicated that the Board was unreasonable to expect to change the effective date of the agreement from January to September and have the teachers continue at their old contract salaries through this period. As a result the Toronto Telegram called for the Minister of Education to intervene. The Minister had already indicated his willingness to act as mediator.

During the month of July the parties went back to local negotiation and resolved the dispute.

(iii) Ottawa Separate School Board

The Ontario English Catholic Teachers' Association pink listed the Ottawa separate board on May 24/67 over a dispute involving the size of experience salary increments. At the outset L'Association des Enseignants Franco-Ontariens was also a party to the dispute but the French-speaking teachers accepted the boards' offer prior to the OECTA pink listing. On May 29/67 not enough members of the OECTA voted to resign so that the Association was unable to impose pressure on the Board. Hence the mass resignation was called off but the teachers pink listed the Board. A "conference meeting" was held in June and the dispute was settled.

(iv) North York School Board

Elementary School Teachers - Both the FWTAO and the OPSMTF grey listed the North York board during negotiations for the 1967-68 contract year. After the grey listing the negotiators returned to local bargaining and resolved the dispute. There was no mass resignation involved.

Secondary School Teachers - The OSSTF pink listed the North York school board during their salary negotiations for secondary teachers for the 1967-68 school year. These teachers did not submit mass resignations and the negotiators returned to the local level but without success. As of August 28/67 (with schools opening in a week) this dispute was still not resolved and the Board was still pink listed. The teachers also talked about a mass resignation on December 31, 1967 if the dispute was not settled.

(c) Mass Resignation

Another system used to exert economic pressure upon a school board in Ontario was for all of its teachers to threaten to resign in mass. According to the individual teachers' contracts this could only be done on December 31 or August 31. The Federation and the Council used to have another "gentlemen's agreement" that no mass resignations would take place on December 31. However the understanding now is that they will "try to avoid" a mass resignation on December 31.

A mass resignation leaves the school board without teachers to open the schools in September. In addition if the "pink-listing", which always accompanies the mass resignation, is effective the school board is unable to recruit teachers to replace those who resigned. Most of the affiliates of the OTF pink or grey list the school board first and only if this does not work will they request the teachers to resign. On a number of occasions the timing of negotiations has required that mass resignation and pink listing action had to be taken at the same time.

During negotiations for the 1967-68 school year the teachers of both the Oshawa separate and the Toronto secondary school submitted mass resignations. However, in both cases negotiations reverted to the local level and the disputes were settled without any outside interference and before such resignations took effect.

Although Ontario teachers have threatened mass resignations and have actually submitted their resignations on a number of occasions there has only been one mass resignation that was actually carried out. This involved the public school teachers in the Lakefield School District. The FWTAO and

the OPSMTF grey listed the Board and the teachers finally submitted their resignation. The Board accepted the resignations and refused to take any of the resigned teachers back on staff even after a citizen's committee was formed and met with the Board. The Board hired teachers from out of the province. These teachers must have been inferior teachers because they were all fired the next year. As a result it has taken the Board a long time to rebuild its staff, its board-teacher relations and its board-parent relations.

6. Quebec

(a) Strikes

The teachers in Quebec did not have the right to strike prior to the amending of the Labour Code in 1965. Even under the Code this right was somewhat restricted by the conditions that had to be fulfilled before a strike could occur. The sixty-day "cooling off" period before a strike could occur coupled with a possible 20 day injunction for intervention by a government's appointed board of inquiry could remove much of the impact of a strike. The Code also gave the Government considerable power over the teachers' use of strike action since the Government could take whatever action it deemed appropriate after it had received the board of inquiry's report.

Prior to 1965 there were a few illegal strikes in the province but it was more common for teachers to hold a one, two or three-day "study" session. These study sessions were legal since the School Act gave the principal the right to call special teachers' meetings. These study sessions were a form of a protest strike. The teachers would leave their

classroom and hold a mass meeting during which they would "study" their grievances.

The first legal teachers' strike in Quebec occurred in Le Gardeur on January 5, 1966 (one month after the teachers were granted this legal right) and was soon followed by five other strikes. In 1967 seven more strikes occurred during the first two months of the year. The most serious was the Montreal Roman Catholic teachers' strike involving some 9,000 teachers. These strikes placed the provincial Government under considerable pressure, in response to which strike ending legislation (Bill 25) was drafted.

The teachers reacted strongly to the proposed strike-ending legislation and by February 13, 1967, all teachers in Quebec were planning some action to protest the proposed legislation. "Protestant and Catholic, French and English, teachers are showing a united front in this move". 47/ For example, the Protestant teachers threatened to hold study sessions during the remainder of the school year and to resign in June. The PAPT who were not involved in any of the existing strikes, gave permission to its 6,000 members to hold study sessions in concert with any action by their Catholic colleagues. On February 13th more than 8,000 trade union members, teachers, and parents staged a mass demonstration protesting the proposed Bill.

On February 14, 1967 the teachers and trustees met with Premier Johnson immediately before the Bill was to be debated in the House. Other teacher-trustee meetings were held with senior government officials over the next two days. The teachers appealed to the Government for a 72 hour suspension of the debate on the Bill in return for which they would call a 30-day truce on all strikes. The teachers proposed that this 72-hour period be used for concerted negotiations between trustees and teachers. However,

Mr. Johnson felt that "it is time to bring back respect for the principle of authority" 48/ and despite vigorous opposition to the Bill the Union Nationale government refused to "budge on the principles of the Bill". 49/ On February 15th, as a final attempt to prevent the passing of the Bill, a joint proposal was given to the Government by the CEEQ and the Alliance. The teachers proposed that:

- (i) They accept compulsory return to classes, providing it included special remuneration for extra work to help pupils catch up for lost time.
- (ii) Acceptance of the teachers' interpretations of the October salary guidelines that would leave new wage agreements free of government school budget penalties.
- (iii) Negotiations be resumed on local and regional levels, according to a salary scale outlined in Bill 25 and that if no results are produced in a month, they be put to compulsory arbitration.
- (iv) Eliminate the strike weapon by compulsory arbitration if local and regional salary negotiations on the scale in Bill 25 fails to produce results in a month's time.
- (v) Formation of a special government study commission that would recommend a framework for future teachers' negotiations before July. 50/

But, these proposals were not accepted by the Government, and Bill 25 received its third and final reading on February 16, 1967. This Bill ordered teachers back to work within 48 hours of its enactment. Thus, it removed the teachers' right to strike. Therefore, the teachers in Quebec have only had the legal right to strike from the end of 1965 to February 16, 1967.

As an act of protest to the Bill all teachers in the Province (French, English, Protestant and Catholic) staged a one-day strike on February 16, 1967, the day the Bill was enacted. On this day 50,000 non-striking teachers joined their 12,000 striking colleagues in the one-day protest strike. 51/

(b) The Strike Record

Between 1960 and 1967 there were 19 strikes (both legal and illegal) and nine short study sessions recorded in Quebec. These school stoppages amounted to a loss of over 44,362 teaching days. 52/ Except for the one-day protest strike over the enactment of Bill 25 the Protestant teachers' Association has not been involved in any of these disputes. In fact throughout most of this period very few PAPT locals could legally strike anyway because they were not certified under the Labour Code. In a few instances the English-speaking Catholic Teachers' Association was involved in some of the strikes, such as the Montreal strike in 1967. The majority of these strikes were conducted by teachers affiliated with the CEQ. The details of some of these disputes are as follows:

(1) 1963 Work Stoppages Due to Non-Payment of Salaries

In 1963 teachers went on strike in nine separate jurisdictions in the province because the school board had failed to pay the teachers their salaries. A summary of these strikes is as follows:

Alma School Commission

Four hundred unorganized teachers refused to teach for a 6-day period from February 15 to 25, 1963 until the school commission paid them the six weeks salaries which were owing. At one point the commission paid the teachers two weeks salaries but the teachers remained out of the classrooms, until the entire six weeks were paid. The provincial Government forced the Commission to increase property taxes before it would approve the Commission's budget.

Normandin Roman Catholic (French) School Commission

Fifty-eight unorganized teachers refused to work for one-half a day on March 1, 1963 because they had not been paid for two months. The dispute was resolved when the school commission obtained a government guaranteed loan.

Verdun Roman Catholic School Commission

Three hundred and eighty teachers (members of the Association des Instituteurs Catholiques de Verdun) walked out of the classrooms for one day on March 15, 1963. The walk-out was caused by the school commission not implementing the salary increase granted in a collective agreement signed in October, 1962. The teachers returned to work only when they were promised that the pay increases would take effect immediately and that the school commission would not take any reprisals against either the teachers or their association. The increase in salaries could be put into effect only after the commission voted to increase property taxes.

Anne St. Jean School Commission

Twenty-two unorganized teachers held a two-day work stoppage from March 19-21, 1963 because they had not been paid for two months. The school commission obtained a loan in order to pay the teachers.

St. Tite des Caps Roman Catholic School Commission

Eighteen unorganized teachers struck the four Roman Catholic schools for 31 days from November 4 to December 16, 1963 because the school commission had not paid them since the start of the school year. Again the dispute was resolved only when the Youth Department arranged a loan for the school commission.

Les Escoumins Roman Catholic (French) School Commission

Twenty unorganized teachers took a one-day "study session" on December 17, 1967 to protest that they had not been paid since November 20th. The teachers planned to continue their study session until they were paid but returned to work when the school commission obtained a government guaranteed loan.

Sault au Mouton Roman Catholic (French) Commission

Six unorganized teachers went on a three-day strike from December 19 to 20, 1963 because they had not been paid since October 20th. The strike was resolved when the Quebec Youth Department arranged a bank loan for the school commission.

Val D'Or School Commission

One hundred and thirty-six teachers (members of La Corporation des Instituteurs et Institutrices de Val D'Or) remained out of the classrooms for 2 days between May 21 to 27, 1963 because they had not been paid since mid-April. The work stoppage was resolved only when the Commission obtained a loan and paid the teachers their back-pay.

Val Senneville School Commission

The teachers of Val Senneville remained away from the classrooms at the same time and over the same issue as did the teachers in neighbouring Val D'Or.

Work stoppages due to non-payment of salaries cast a poor reflection on the teaching profession, school commissions and the provincial Government. They were, therefore, considered to be a matter of serious concern by the Government. For example, Youth Minister Paul Gerin-Lajoie of Quebec appointed a three-man inquiry to study the general administrative situation of a number of the Catholic school commissions. The Quebec Government's attitude at that time was reflected when M. Gerin-Lajoie stated that;

The organization of teaching at the primary and secondary levels in the province is the responsibility of the school boards.

The responsibility of the provincial government...is limited to the issuing of the grants provided for by law. And the Alma School Board has received, at the dates laid down in the law, all the grants to which it has a right under the public education law.

The school board— as all school boards— has an obligation to present balanced budgets and impose school taxes in order to meet teachers' salaries and all other expenses. 53/

(ii) 1963 Work Stoppages Due to a Demand for Parity with Urban Teachers

In all provinces some rural boards claim that they are unable to pay competitive salaries to those offered by the urban boards. However, in no province have the discrepancies been as great as they were in Quebec. In two instances in 1963 teachers in Quebec withdrew their services over this issue. These occurred in;

Ste. Foy Roman Catholic School Commission

Three hundred and seventy lay teachers (members of the Corporation des Instituteurs et Institutrices Catholiques) held a three-day "pedagogical study session" from December 6 to 11, 1963. Negotiations had been in progress since May but the teachers gave no advance warning of their walk-out. Ste. Foy is located in the suburbs of Quebec City and the dispute centered around the question of salary parity with teachers in Quebec City. (There was between \$1,000 to \$1,500 difference at some points on the two salary scales). The school commission was willing to introduce parity over a two and

one-half year period. The school commission notified all teachers that under their contract they must appear for work and the teachers returned to the classroom "...for the good of the children and to re-establish a favourable educational climate". 54/ The three-day walk-out had achieved little, if anything, for the teachers. The issue was subsequently referred to voluntary arbitration as provided under the school law.

Mille Isles Catholic School Commission

The dispute between the Mille Isles Association of Catholic Teachers and the regional school commission centred around the question of parity with Montreal teachers. The Mille Isles teachers claimed that the Commission had agreed to adopt the same scales established by the Montreal Catholic School Commission but the school commission claimed that they had only agreed to provide a scale "as near as possible" to the Montreal scale.

When the school commission failed to adopt the Montreal salary scale all of their 63 lay teachers submitted resignations on May 11, 1963 claiming that the commission had failed to honour the 1962-1963 contract. These resignations would become effective at the end of the school year. But when the commission "advertised for new teachers for the next school term instead of negotiating with us" the teachers walked out of the classroom. 55/ The commission sent a formal letter of "warning" to each of the 63 striking teachers, and when the teachers failed to return to the classroom after 3 days, the commission dismissed all of them for "negligence in the performance of duty", "insubordination" and "misconduct". 56/

(iii) Other Teachers' Walk-Outs in 1963

During 1963 there were two additional walk-outs by teachers. One involved salary increases and the other was over a delay in negotiations.

These were;

Sherbrooke Roman Catholic (French) School Commission

Four hundred and fifty lay teachers (members of L'Association des Professeurs Catholiques de Sherbrooke) stayed away from their classrooms for one day on October 2, 1963 to support their contract demands for higher salaries and fewer pupils in each class. Negotiations between the parties had been continuing since April, 1963. The decision to stay away from work was apparently made without the authorization of the Association. The teachers rejected the Association's recommendation that they refer the matter to arbitration.

St. Jean's School Commission

The two hundred and fifty teachers employed by the St. Jean's

Regional School Commission refused to come to work on April 4, 1963. Contract negotiations leading to a first agreement between the Commission and its teachers had been continuing since the previous Fall. The teachers refused to work because of what they termed an "unnecessary" delay in the negotiations. The strike continued for seven days and the teachers returned to work on April 10 after an agreement had been signed.

(iv) The 1964 Teachers' Walk-Out by Teachers of the Roman Catholic School Commission of the Diocese of Sherbrooke.

During the regional negotiations between the Association of Roman Catholic School Commission and the Association of Roman Catholic School Teachers a walk-out started on February 7, 1964 when 282 teachers in Asbestos, Richmond, Windsor and Bramptonville did not show up for work. The number of teachers on strike increased 500 when the teachers of Coaticook, Danville, Magog and East Angus also struck.

The dispute concerned the level of salaries of teachers in the region. The school commissions of the eight municipalities were in the process of forming a regional school board for the Sherbrooke diocese. One of their objectives was to negotiate on a regional basis and standardize salaries for the entire region. The teachers wanted negotiations on a local rather than a regional level and favoured different pay scales for each community because of "varying local conditions".

The Association of School Commissions considered the walk-out (or study session as the teachers referred to it) to be illegal and refused to resume negotiations until the teachers were back in their classrooms. The school commissions of Richmond, Windsor and Bramtonville fired their 260 striking teachers on February 11, 1964 and started to recruit new teachers. When this occurred the Quebec Youth Minister stated,

...that the means employed to break up the... teachers' strike were ill-timed (and) ...he hoped teachers will return to work immediately and negotiations will open between both sides. 57/

He also stated that;

... this would create additional complications in trying to end the dispute, but the school commissions were within their rights in dismissing the teachers. 58/

The school commissions also organized recreation periods for students which were supervised by non-striking nuns and religious brothers. The Commissions also sought government permission to keep schools open past the normal closing date of June 23rd and requested that the Quebec government establish an arbitration board. In addition the Association of School Commissions appointed a Sherbrooke Parent Teacher Association executive as a mediator to "re-establish contact with the teachers and encourage them to return to work". 59/ However the efforts of the mediator failed. Therefore the Youth Minister stated that "the Government had decided it could wait no longer for a settlement and (took) the only course open to it", 60/ and on February 27/64 he referred the issue to compulsory arbitration. However, the dispute never went to arbitration as the teachers agreed to return to work on March 5, 1964 after a preliminary agreement was reached. All legal action against teachers was dropped, all teachers were rehired and all issues, other than salary and sick leave, were agreed upon. The agreement provided that Mr. Jean Lalonde (a Montreal lawyer) would mediate the two outstanding issues. Thus, the $18\frac{1}{2}$ -day strike affecting over 15,000 students ended.

During mediation negotiations again broke down and the mediator submitted a report to the acting Youth Minister who, on March 19th, held a

one-day session with the parties. It was only after this intervention by the Government that an agreement was reached between the teachers and the school commissions.

Throughout this work stoppage the teachers maintained that it was not a strike but a "study session". The only teachers who remained in their classrooms were those who were members of the teachers' executive who could not take part in a "unilateral" or illegal strike. Mme Tussier, President of the Teachers' Federation for Richmond and Bramptonville, gave the following official statement:

we (the union) deplore the teachers' action. We do however, negotiate their grievances with the school commissions. 61/

(v) The Two Teacher-Walk-Outs in 1965

In 1965, before the amendment to the Labour Code, two illegal teacher walk-outs occurred. The major one, involving the teachers in the suburbs of Quebec, was over the matter of salary parity. The other walk-out was over the matter of recognition. The details of these walk-outs are as follows;

Fourteen Municipalities in Quebec City Suburbs

In spite of the 1963 strike in Ste. Foy the teachers in the Quebec City suburbs were unable to obtain parity with teachers in Quebec City. The agreement between the 14 school commissions and the 3 teacher associations (L'Association des Instituteurs et Institutrices du Comté de Québec, L'Association des Instituteurs et Institutrices de la Banlieue de Québec and L'Association des Instituteurs et Institutrices de la Côte de Beaupré) affiliated with the CEQ contained a reopener clause allowing for negotiations of the 1963-64 salary scales. When the teachers attempted to invoke this clause the commissions claimed that the clause could only be invoked by mutual agreement. At the threat of a strike both parties submitted the dispute to a government-appointed arbitration board. In November, 1964 the arbitration board ruled that the teachers should receive the Quebec salary schedule retroactive to November, 1963.

All 14 commissions refused to recognize this decision. According to the law the commissions had until the end of the school year (June 1964) to give the teachers their retroactive raises.

The 550 teachers commenced their strike on February 1, 1965 when the commissions still refused to grant this increase in the 1965-1966 collective agreement. The commissions were still paying salaries established in 1962, and refused to recognize the salaries granted by the arbitration board. The teachers wanted the increases granted by the arbitration board and refused to sign any agreement unless it contained wage levels equal to those in Quebec City.

On February 4, 1965, 50 teachers returned to work when the Notre Dame des Laurentides School Commission accepted the principles contained in the arbitration award. This agreement gave the male teachers immediate parity with those in Quebec City. However, since there was such a wide gap between the wage levels of the city and suburban female teachers, the women received only one-half of the difference in salary levels immediately and the remainder to be granted at a future date.

Meanwhile, the other commissions appealed the arbitration award to the Quebec Superior Court, applied for injunctions to halt the illegal strike and appealed to the Labour Relations Board to take sanctions against those responsible for and those participating in the strike. On February 19, the first temporary court injunction was obtained by the Gifford School Commission which ordered 114 teachers back to work. The teachers refused to comply with the court order and appeared before the Court on February 22 to show cause why the injunction should not be made permanent. (The teachers had already submitted their resignations to the commission who refused to receive them.)

On February 18 another 75 teachers employed by the Chauneau Commission joined the walk-out. This brought the total number of school children affected by the walk-out of the 675 teachers up to 17,000. Meanwhile, the small Lake Beauport Commission agreed to the teachers' demands and settled on the same basis as did the Notre Dame des Laurentides Commission.

The CEQ executive held a special meeting on February 22, and declared a state of emergency throughout the Province. All Quebec teachers were asked to contribute \$5.00 per week if the strike was not settled by February 26th. The CEQ also approved a province-wide "study session" if the strike was not quickly settled.

On February 23, after a week of intense negotiations, the parties reached an agreement and the 17-day strike was over. This agreement recognized the arbitration decision granting the suburban teachers a pay scale equal to Quebec City. The commissions dropped all legal actions and proceedings and agreed to pay the teachers for the time spent in the "study sessions". This agreement was essentially the same as that reached with the Notre Dame

des Laurentides Commission on February 4, 1964. Thus, the settlement was a complete victory for the (illegally) striking teachers.

Regional School Commission of St. Maurice

The Roman Catholic schools in the St. Maurice district did not open on September 7, 1965 as scheduled because the teachers refused to report to work. The 525 teachers, members of the Professional Association of Teachers, of St. Maurice, were protesting to support their demand to bargain collectively. The Regional School Commission, representing over 35 municipalities, had offered to sign individual contracts with teachers but refused to consider a collective agreement. The 19-day strike ended on October 4, 1965 after intensive conciliation meetings. At this time the parties agreed to refer the matter of Association recognition to a special committee agreed to an increase in salaries, and a reduction in both the number of pupils per class, and the number of classes taught per week.

(vi) Strikes in 1966

The start of 1966 marked a change in the relationships between teachers and trustees in Quebec. For the first time the teachers in the province had not only the right to bargain but also the legal right to strike. Thus in 1966 there was a great deal of collective bargaining activity between teachers and trustees. As a result there were five strikes during 1966. Four of these were conducted by CEQ affiliates over salaries (one for non-payment of salaries) and the fifth by the Government employed vocational teachers. Details of these strikes are as follows;

Commission Scolaire Regionale, Le Gardeur

The first teachers' strike in 1966 (and the first "legal" teachers' strike in Quebec) began on January 4, 1966 when the 285 Le Grandeur Roman Catholic teachers walked off the job. The teachers (members of either the Association d'Educateurs d'enseignements secondaire de Le Gardeur or L'Association des Instituteurs et Institutrices de Le Gardeur) went on strike for higher salaries, better working conditions and to have seniority recognition.

Once the strike started, talks of any type, between the parties ceased and did not resume until about January 15th. It was not

until February 3, 1966 that the 29-day old strike was finally settled. The settlement included (a) salary increases, (b) a minimum of 10 days of recuperation (at normal rates) to reimburse teachers for the extra hours required to catch up with the curriculum, (c) no change in working conditions (d) straight time pay (they were asking for time and one half) for all extra hours worked.

L'Outaouais Regional School Commission

High schools in Hull and district closed on January 5, 1966, when 354 lay teachers of the Outaouais Catholic Teachers' Association went on strike. 744 nuns and religious brothers also honoured the strike. Before going on strike the teachers gave each student a 10-day home study programme to follow while schools were closed.

The regional school commission decided not to seek an injunction to halt the strike and discouraged the Department of Education, from doing so. They felt that an 80-day injunction, as provided in the Code, would only postpone to clash until March. The teachers were seeking wage increases, equal pay for male and female teachers and improved sick leave, social insurance and working conditions.

During the week of January 7th, representatives of the Hull Chamber of Commerce met with each party separately to decide what action, if any, they should take. In addition the Jaycees passed a resolution and their executive appealed to the teachers to return to work for a month while additional effort was made to arrive at a settlement. Also on January 7th, formal action was taken as the parties met with a government conciliator but a deadlock occurred after the third meeting. By January 22nd, the conciliator terminated the conciliation talks. The deadlock was finally broken on and negotiations resumed January 26th, when the teachers indicated a willingness to concede on the pay issues in order to "get the students back in the classroom." It should be noted that by this time considerable public sentiment was building up against the strike. This sentiment is reflected through the following activities:

- a joint communique was issued by the Hull Chamber of Commerce and the Jaycees. This statement pointed out, in part, that "...they were aware of the importance of a collective agreement but that the public had suffered long enough in the present strike", 62/
- representatives of the parent-teachers' associations were attempting to obtain injunctions to force teachers back to work. The school commission themselves refused to seek an injunction because as the school commission chairman (R. Lalonde) stated "...we do not believe in it. To force the teachers to work might make matters worse and the students would be worse off", 63/
- attempts were being made to arrange Radio and Television educational programmes,

- moves were afloat to establish a "citizens' committee" to examine the issues in dispute and make recommendations to both parties,
- one group of parents was circulating a petition to be sent to the Labour Minister (2,400 names were collected),
- groups of high school students were meeting with the school commissions seeking the reopening of the schools,
- parents willing to supervise in classrooms were being solicited,

In resuming negotiations with the government conciliator, the teachers made it clear that salary concession would only be made if the commission ratified the 39 non-salary paragraphs already initialled by its two negotiators. The commission, however, refused and wanted to renegotiate on 29 of these paragraphs plus the 5 items the teachers recognized as still being in dispute. Thus, negotiations broke down again on January 29th.

Under the threat that the parent-teacher association would send their petition to the Minister, the Commission agreed to meet with the teachers on February 2nd. This meeting was "in-camera" and included all of the commissioners not just the negotiators. On February 8th, the Commission offered an "all or nothing" package. The teachers held an emergency general meeting that same night at which time the Commission's offer was rejected. At this time the commission stated that it would seek an injunction and therefore, 320 of the 354 teachers gave their resignations to their chief negotiator with instructions that he was to submit them to the commission should an injunction be invoked. 64/

When the teachers rejected the Commission's suggestion to submit the matter to binding arbitration, Labour Minister Fortin called the parties to his office on February 11th, and after three days of negotiating, an agreement was reached which ended the six-week old strike. This was the first collective agreement between the parties and was for a two-year term.

An important side issue in this strike was the question of payment for the time teachers were on strike. The teachers demanded make-up pay, but the commission refused. At one point R.L. Laurin, OCTF negotiator accused the board of "purposely delaying settlement of the strike. What they (the board) are doing is keeping us out as long as possible in order to recover as much as possible of the eventual increase we will receive." 65/

On January 22, 1966, Premier Lesage remarked that the teachers "...will not be paid for the period of their

walk-out". 66/ The teachers' reaction was expressed by the President of the CEA who stated that Mr. Lesage's statement reflects an incorrect interpretation of rules that prevail in the world of industry. Mr. Laliberte said that in industry a certain percentage of salaries is paid to cover what might have been earned by employees during periods of strikes. He said this often is included in salary increases granted. 67/

Mr. Jacques Caron, President of the Quebec Chamber of Commerce stated that striking teachers "who are asking to be paid for the time they have been out have proved themselves irrational and are not accepting the responsibilities of their acts ...it (this demand) is utterly unacceptable and neither the government nor the school commissions should give in on it. "It amounts to a paid holiday, and if accepted will have serious consequences in the future". 68/

However, Mr. Laliberte, President of the CEA later clarified that "...his Corporation does not seek to have its members paid for work not done, but for the additional work they will be required to do during regular school hours to make up for the time lost to students during the strike." 69/

The parties finally agreed that the teachers would have to teach an extra ten days to make up the teaching time lost due to the strike and that the teachers would receive 10 days extra pay for this work. I understand that some of the lost time was made up (but not 10 days) yet the teachers still received 10 days pay. Thus, they did in fact receive some make-up pay.

Commission Scolaire Régionale Papineau

On January 10, 1966, 157 Roman Catholic teachers went on strike in Papineau County. The teachers (members of the Association des Instituteurs Catholiques de la Vallée de la Lièvre) were striking for higher salaries, improved working conditions and seniority recognition. The strike started after conciliation talks broke down.

During the strike, the Mayor appealed to the parties and also appealed to the Government to step in. The students paraded in front of the schools on January 10 in support of the teachers and criticized the school commission. However, by January 26 all but 20 students in Grade 11 and 12 returned to the schools and started teaching themselves under the supervision of volunteer parents.

After additional conciliation meetings between Jan. 20th and Feb. 7th the school commission and the teachers ratified a collective bargaining agreement on February 7, 1967. However, the teachers refused to return to work unless the commission paid them for the time spent on strike ie. pay

for the extra work required to bring the students up to date. Since this same issue was involved (with the same conciliator) in the strike with the adjoining Outaouais Regional Commission, the parties in Papineau assumed a wait and see attitude. The strike was subsequently settled on February 16, 1966 on the basis of 10 extra school days with extra pay (Saturdays and Easter holidays). This was the same basis of settlement and the same settlement date as reached in the Outaouais region.

The School Commission of Beaudy

On January 13, 1966, the 5 French-speaking Roman Catholic teachers (members of the Teachers' Association of Cuivre Region) went on strike over non-payment of salaries. The commission had not paid them since school started in September, 1965. The strike lasted for 7 days and was concluded when the commission obtained a loan and paid the teachers their salaries from September 1965 to January, 1966.

Government of Quebec - Technical and Vocational Teachers

One hundred technical, trade and teacher-training schools throughout Quebec closed on April 12, 1966 as 2,000 teachers, employed by the Provincial Government, went on strike. These teachers, members of the Union of Quebec Government teachers (affiliated with the CNTU), went on strike for (a) higher salaries, (b) clarification of the teaching programmes, (c) seniority, (d) lighter work load, and (e) union security. The strike was originally scheduled for March 16 but was delayed when the Government obtained an interim injunction. The Court refused to extend the injunction beyond March 21 but the Labour Board ruled that the teachers' services were essential this late in the school year. However, the courts, on April 5th, refused to grant an interlocutory injunction on these grounds.

The teachers' union contested the constitutionality of the provincial Public Employees Act which states that strikes among workers whose services have been ruled essential by the Labour Board are illegal. The Deputy Justice Minister said that the Labour Board ruling "does not have the force of an injunction but it has the effect of making a strike illegal". 70/ The superior court granted another interim injunction ordering the teachers back to work on April 14th because of the illegal strike. The teachers, however, refused to comply with the injunction and stayed away from school.

The Government originally took the position that they would not negotiate until the teachers were back at work while the teachers refused to return without a contract. On April 26, after two student protest marches, the Government did a turnabout by offering to reopen talks while the teachers were still on strike. The next day the union and the Government had reached

a settlement giving the teachers most of what they asked for. The teachers still refused to return to work until the court charges against its executive were dropped and until they were paid for the time they were on strike. 71/ Premier Lesage made it clear that, "it was a court order the union disobeyed and that if the Government allowed the Union to disobey an injunction at this time that we would lose the only brake we have to stop a strike when the welfare of the public is involved." 72/

The Government refused to alter its stand and the teachers finally ended their 3-week strike when they returned to work on May, 1966.

(vii) The 1967 Montreal Strike of Roman Catholic Teachers

This was perhaps the most important strike in the history of teacher disputes in the province. This strike of 9,000 Roman Catholic teachers came at a time when four other teacher strikes were in progress. The combined results of these strikes was that one out of every five Roman Catholic students was kept out of school. This strike also occurred at a time when public concern over teachers' strikes had already developed because of the number of teacher strikes in 1966. The Government was already under severe criticism for granting the right to strike to teachers in the first place. It was the impact of this strike which placed the most pressure upon the Government forcing them to introduce and pass Bill 25.

On January 12, 1967, 9,000 English and French speaking teachers employed by the Montreal Catholic School Commission went on strike. These teachers were members of both the Alliance des Professeurs Catholiques de Montréal, (CEQ) and the Federation of English speaking Catholic teachers. At the time of the strike there were still 120 clauses of the 180-clause proposal outstanding. The major obstacle was the teachers' request for an average salary increase of 18 per cent over two years as compared to the Commission's offer of 6 per cent.

On January 16 the teachers turned down the Commission's proposal for mediation "provided the mediator make his report public". 73/ The teachers were in favour of mediation but not if his report was to be made public. Also on January 16 the Quebec Cabinet met to consider a course of action. Their alternatives were (a) obtain a court injunction, (b) appoint a government administrator, (c) call a special session of the Legislature, or (d) appoint a government mediator. The Cabinet decided to appoint a mediator as proposed by six Montreal parent associations.

The teachers were strongly opposed to Government intervention of any type. As K. Quinn, Secretary General of the Federation stated:

This would have been the fourth two-year contract in a row in which the commission would have settled its contract problem by resorting to outsiders. ...The commission can't be serious the way it lets negotiations go, it is ridiculous to spend seven or more months negotiating when other commissions have agreed on most clauses, at least. There is no reason to go for so long at the negotiating table and still have over 120 clauses unsettled. 74/

Concerning a possible government injunction, Mr. A. Nault, President of the Alliance stated that

The only valid reason for an injunction in the case of this strike would be that it jeopardized the education of the pupils involved. Such jeopardy could be caused only by a very long strike. An injunction in the early parts of the strike would be unjustifiable and an unjustifiable injunction does not need to be respected. 75/

Education Minister Bertrand stated on January 17th that the government has ruled out the use of injunctions and that he himself "...is against injunctions except as a last resort since teachers often refuse to respect them". 76/

On January 17, Education Minister Bertrand called the parties into his office and as a result of this meeting Mr. Justice A. Montpetit was appointed mediator. His mandate authorized him to make public the agreed upon and disputed clauses but prohibited him from publicly commenting on the clauses. Mr. Montpetit held a series of meetings with the parties which produced another offer by the commission but it was rejected by the teachers on January 31st. After more meetings the teachers, on February 3, threatened to quit bargaining unless the commission came out with new offers. Finally, on February 4th, Mr. Justice Montpetit resigned as mediator stating that he had done "...as much as possible to help settle the dispute but no longer was able to make progress." 17/ Fifty clauses still remained unsettled. The commission made a "final" offer on February 6th but this was rejected by the teachers. As K. Quinn, Secretary-General of the Federation stated:

We have made a number of concessions. There were 50 clauses (unsettled) and we are willing to abandon 20 of them outright. We have made great concessions on the other 30. 18/

and R. Dobie, one of the Federation's negotiators added,

Professionally speaking, we have gained quite a lot in terms of working conditions: in fact, virtually everything. As far as our monetary requests are concerned, we have not gained what we have asked for. 19/

The Government was at this time drafting Bill 25 and 700 of Montreal teachers submitted their resignations in protest of the proposed Bill. The Montreal School Commission refused to reopen negotiations while the Government was considering this legislation. The strike ended with the passing of Bill 25. Thus, after 5 weeks on strike the Montreal French-speaking teachers returned to their classrooms on February 20th as required by the Bill and the English-speaking teachers returned on February 21, 1967. The teachers were

...not happy about returning to work. We are going back because we have been forced to do so. In effect we have been clubbed back to work by an unscrupulous Government. 80/

The Montreal teachers were particularly bitter about the legislation because they felt they were close to a settlement when the Bill was introduced. As part of the back-to-work agreement,

...teachers would receive 70 per cent of the salaries they lost during the strike period and be paid for any extra work done to help pupils catch up with their studies. 81/

As it turned out the teachers received a lump sum payment of 70 per cent of their salaries for the 23 days they were on strike. In return they "made up" the time lost due to the strike by teaching an extra six days. The school commission eliminated 7 holidays, shortened the time allowed for review, simplified year-end exams in the lower years, eliminated some study periods and assigned more homework in order to try to make up for the time the students lost.

(viii) Other Strikes Occurring at the Same Time as the Montreal Strike

Commission Scolaire Regionale de l'Yamaska

The 650 elementary and secondary Roman Catholic teachers who went on strike against 25 Yamaska-area school commissions on November 25, 1966 were joined by another 50 teachers in the same area the next day. The teachers were protesting delays in negotiations over salaries and working conditions. On December 12, 1966 about 200 of the striking teachers (the rural, elementary group) accepted a \$1,000 salary increase over two years and went back to work.

By December 20, 1966 the Parents' Association in one of the municipalities sent a telegram to Premier Johnson demanding government intervention. The next day parents in a number of the municipalities reopened the schools and started teaching classes themselves while the teachers picketed outside.

By January 23, 1967 an injunction had been obtained (according to the provisions of the Labour Code) ordering the remaining striking teachers to return to work. After obtaining advice from their lawyers concerning the legality of the injunction, the teachers returned to their classrooms on January 25, 1967. Thus, the 2-month strike was ended but not resolved.

The President of the local teachers' association regarded the injunction as "basically vicious" because the "conflict isn't resolved. We still consider ourselves on strike but we are going back because of the whip of government injunction". 82/

This attitude was reflected by the individual teachers since (a) a number did not return to work, and (b) most of those that did return to work followed a "work to rule" strategy.

With the teachers back in the classrooms, the parties agreed to Mr. C. Ryan (publisher of Le Devoir) to act as mediator in the dispute. Mr. Ryan accepted the task provided the parties accept the new government formula allowing a government observer to sit in. The teachers were not in favour of the government observer sitting in on the mediation meetings. This dispute was not resolved until Bill 25 was passed.

Beaconsfield and Pointe Claire School Commissions

On January 20, 1967, 500 Catholic teachers in Beaconsfield and Pointe Claire went on strike although agreement had been reached with their commission on salary increases. The teachers and the commission had agreed to a total wage increase of \$245,000-- an increase which exceeded the government guideline by only \$22,000. The Government's ruling concerning its guidelines was that the commission was not only unable to obtain provincial grants for the amount in excess of the guidelines (the \$22,000) but for the total increase in salaries (the \$245,000). The school commission was willing to forego subsidies on the \$22,000 but not on the entire increase. As L. Henrico, President of the English-speaking Catholic Teachers of Pointe Claire and Beaconsfield stated "...the teachers are forced to strike because of Quebec's rejection of the agreement." (And the school boards' refusal to pass on to its ratepayers the full cost of the increases.) He called the situation ridiculous. 83/

He was joined by M. Huberteau, President of the school commission who said, "...the board's relations with the teachers, who had made important concessions in their demands remained good. The situation which is highly regrettable is attributed to the Quebec Government's stand on its directive". 84/

The Quebec Federation of Catholic School Boards urged boards to abide by the provincial guidelines as the guidelines are in the public interest and are the only way to check teachers' wage escalation.

The teachers rejected the commission's ultimatum on January 28th that they return to work or face injunctions. The dispute continued until February 20, 1967 when they, along with all other striking teachers, were ordered back to work by Bill 25.

Catholic School Commission of Vieilles Forges

When conciliation meetings broke down with representatives of the Association Professionnelle des Enseignants des Vieilles Forges, a strike of 1,239 teachers started on January 27, 1967. The major issue in dispute was salaries and the slow progress of negotiations. When the Government finally took action in the form of Bill 25 these teachers in the Trois-Rivières Region were among those that initially refused to return to work on February 20th as ordered by Bill 25. These teachers did not return to the classroom until February 21, 1967 when agreement had been reached with their commission on the matter of payment of overtime.

Catholic School Commissions of Chambly, La Mauricie and Meilleur

The strike involving 175 teachers in Chambly, 650 teachers in La Mauricie and 620 teachers in Meilleur started on February 10, 1967, when negotiations broke down. The teachers of La Mauricie and Meilleur returned to work on February 20 as required by Bill 25 but the teachers of Chambly returned on February 20th, walked out again and did not return until February 22nd when they received a written return to work guarantee.

(c) Reasons for the Frequency of Strikes

The reasons underlying group action of any sort is seldom known.

However, in this case, as with most others, a number of hypotheses were presented in an attempt to explain the teachers' actions. The most common of these were:

- (i) Success of illegal strike action — Some felt that the number and severity of strikes since the Labour Code amendment was due to the success teachers had with illegal walk-outs. In examining the details of these illegal strikes one must agree that, from the teachers' viewpoint, they were successful. This hypothesis suggests that since the teachers found illegal strike action to be successful they naturally used the strike when it was made legal.

(ii) Non-payment of salaries—Some contended that teachers lost confidence and respect for their school boards and the system when so many boards did not or could not pay teachers their salaries in 1963 and 1964. It was at this time that the CEQ gained its membership strength and when many unorganized teachers became organized. This hypothesis contends that with the loss of respect for school boards the teachers turned to the Corporation and group action for security.

(iii) Rural-urban salary discrepancies—It was suggested that the wide salary difference between rural and urban school boards was a primary cause of the teachers' strikes. The strikes over parity with Quebec City would support such a thesis.

(iv) Planned CEQ strategy—It was suggested that the strikes were part of an overall Corporation strategy to increase the salaries of the French-speaking teachers in the province up to the level of salaries received by the English-speaking (Protestant) teachers. This hypothesis contends that the Corporation, in order to achieve this parity, wanted to force the government to implement a provincial salary scale for all teachers. In order to do this, they called a number of strikes which they knew would exert pressure on the government and cause them to remove the teachers' right to strike and implement a provincial salary scale. This thesis is hard to substantiate. Granted during 1963-64, the CEQ Journal did talk about the advantages of a provincial scale; granted the CEQ was involved in all of the strikes except one; and granted the CEQ members had the most to gain from the introduction of the provincial scale. However, I did not find any evidence to support this hypothesis.

(v) Part of the total French-Canadian unrest—It was felt by some that the militant action by the French-speaking teachers was merely a reflection of the time—a part of the overall "silent revolution".

(vi) The results of the October 14, 1966 Government guidelines—Some felt that the Government by trying to restrict the size of teacher salary increases and requiring the Minister's approval of all school board proposals created a natural clash with the salary improvement objectives of the CEQ. The guidelines meant that school boards could not meet the teachers' demands and the strikes followed as a natural course of action.

(vii) A general lack of teacher participation in school administration—It was also felt by some that this was one of the deep-rooted problems in the Catholic school system where there has been no involvement whatsoever of teachers in any administrative matters.

It is obvious that no one of these hypothesis explains the reasons for the developing militancy on the part of the French-speaking teachers nor the cause for their free utilization of the strike weapon. A combination of these hypothesis, however, may perhaps contain a good part of the explanation.

(d) Use of Sanctions since Bill 25

As indicated, Bill 25 temporarily removed the teachers' right to strike and established negotiations on a province-wide level. Plenary negotiation meetings started on July 17, 1967 and formal negotiations commenced on January 22, 1968, but little headway had been made by January, 1969. As a result, the teachers' associations initiated a number of sanctions against the school commissions.

(i) Rotating Strike Sanction—On January 17, 1969 the CEQ authorized the use of rotating strikes in an attempt to force the partie parternel to accept mediation or arbitration of their dispute. They stated that such strikes would start toward the end of January. On January 23, the English speaking teachers' associations agreed to participate in the rotating strikes. As a result, 240 teachers struck on February 3, 192 on February 4, 394 on February 5, and 898 on February 6. Injunctions were sought to force the teachers' associations to cease their rotating strikes.

(ii) Removal of Voluntary Services—During December, 1968 and January and February, 1969, many teacher locals throughout the Province adopted the strategy of only performing those duties required by the school regulations. Again this action was taken in an attempt to force the partie parternel to break the negotiations deadlock reached in mid-December.

An interesting development occurred as a result of this work-to-rule action. Romain Robidoux regional high school commission locked their teachers out on December, 10, 1968 to try to force the teachers to accept extra curricular duties. The lockout was called off on January 9, 1969 with the school commission giving in on the issue. The school commission conceded because the teachers had successfully organized classes in churches, private homes and basements.

(7) The Atlantic Region

The experience in the Atlantic Region has been that, other than in Nova Scotia, there has been very little, if any, use made of economic sanctions. For example, I could find no definite records of the use of any sanctions in New Brunswick, Prince Edward Island, or Newfoundland. Although

the teachers' associations in both New Brunswick and Newfoundland have threatened on occasions to resign en masse or to strike, no such action ever occurred.

There have however, been a few strikes or threatened strikes in Nova Scotia. The first recorded strikes occurred in 1952 in the Cape Breton and Antigonish counties. These walk-outs resulted in increased salaries and bonuses for the teachers in these areas. In 1955, a strike was threatened in Glace Bay but was averted when the Minister of Education intervened. Again in 1957, the teachers in Sydney threatened to strike because the school board refused to meet with them. The result of this threat was that the Act was altered to give the teachers the right to bargain.

The teachers' Union in Nova Scotia has approved the use of coincidental resignations but this sanction has seldom been used. For example, it has not been used at all over the past five year period. Should it be necessary to use this sanction the Union has a special fund to pay teachers their normal salary for time lost due to the coincidental resignation. Although teachers have submitted their resignations "coincidentally" on a few occasions in the past, only once did it result in a school closure. This was in Queen County in 1961 and it closed the schools for nearly two weeks in September. Teachers "coincidentally" submitted their resignations once in 1959-60, five times in 1960-61 and once again in 1963-64. In all but Queens County settlement was reached prior to school opening in September.

REFERENCES

- 1/ Excluding provisions for mutual termination of contract.
- 2/ Vancouver Sun, April 20, 1965.
- 3/ Calgary Herald, November 8, 1963.
- 4/ Saskatoon Star - Phoenix, April 22, 1963.
- 5/ Winnipeg Free Press, April 21, 1965.
- 6/ Ibid.
- 7/ Winnipeg Free Press, April 24, 1962.
- 8/ Ibid.
- 9/ Ibid.
- 10/ Winnipeg Free Press, April 21, 1965.
- 11/ Moncton Transcript, February 22, 1967.
- 12/ Ibid.
- 13/ Manitoba Teachers' Society, Forty-Seventh Annual General Meeting of Provincial Council, 1966, pp. 60-63.
- 14/ The presentation of one or two individual school boards to the Special Committee called for the removal of the right to strike but such was not a part of the ASTA presentation.
- 15/ Calgary Herald, January 18, 1966.
- 16/ Interestingly enough the first recorded lockout of teachers occurred in Quebec in December, 1968. The school commission of Romain Robidoux locked its teachers out of the classrooms in response to the teachers "work to rule" action. This lockout was called off by the school commission on January 9, 1969 since the teachers had successfully organized classes in churches, private homes and basements.
- 17/ Saskatchewan Teachers' Federation, Submission to the Committee of Inquiry, on Teacher Salary Negotiation Proceedings, (Regina: Saskatchewan Teachers' Federation, 1966), p. 41.
- 18/ Ibid.
- 19/ Excluding the 9 recorded short "study sessions" held in Quebec.
- 20/ This figure includes both strikes and "study sessions" but does not include one 21-day strike because the number of teachers involved is not known.

- 21/ The Globe and Mail, January 25, 1967.
- 22/ Ibid.
- 23/ Vancouver Sun, April 20, 1965.
- 24/ Crispo, J.H.G., (ed.), Collective Bargaining and the Professional Employee, (Toronto: Centre for Industrial Relations, University of Toronto, 1965), pp. 19-20.
- 25/ St. Thomas Journal, June 22, 1967.
- 26/ Financial Post, July 26, 1965.
- 27/ Labour Gazette, November, 1966, p. 700.
- 28/ Submission to the Committee of Inquiry on Teacher Salary Negotiation Procedures, p. 7, Saskatchewan Teachers' Federation.
- 29/ Letter from C.H. Logie, Director of School Administration Department of Education, August 2, 1967.
- 30/ Saskatchewan Trustees Association, Submission to the Committee on Teachers' Salary Negotiations, April 4, 1966, p. 22.
- 31/ Saskatchewan Teachers' Federation, Statement of Policy and By-Laws, 1965.
- 32/ Final Submission to the Committee of Inquiry on Teachers' Salary Negotiation Procedures, op. cit., p. 29.
- 33/ Saskatchewan Bulletin, op. cit., p. 11.
- 34/ Saskatchewan School Trustees', Second Submission to the Committee on Teachers' Salary Negotiations, August 10, 1966, p. 14.
- 35/ Submission to the Committee of Inquiry on Teacher Salary Negotiation Procedures, op. cit., p. 29.
- 36/ Saskatchewan Bulletin, April 17, 1969, p. 3.
- 37/ Province of Manitoba Public Schools Act, Section 384.
- 38/ Province of Manitoba, The Labour Relations Act, Section 2(1)(p).
- 39/ "Report of the Right to Strike Sub-Committee", Forty-Seventh Annual General Meeting of Provincial Council, 1966, (Winnipeg, The Manitoba Teachers' Society, 1966), p. 6.
- 40/ North York was grey listed by the FWTAO and the OPSMTF and also pink listed by the OSSTF during negotiations this year.
- 41/ Teacher recruitment and negotiations are conducted at the same time and therefore the effectiveness of the pink list stems from the boards' inability to recruit teachers.

- 42/ Oshawa Times Gazette, May 31, 1967.
- 43/ Oshawa Times Gazette, June 5, 1967.
- 44/ Toronto Globe and Mail, April 27, 1967.
- 45/ Toronto Star, June 1, 1967.
- 46/ 17 principals, 31 vice-principals and 150 department locals submitted their resignations.
- 47/ Ottawa Journal, February 13, 1967.
- 48/ Ibid., February 14, 1967.
- 49/ Ibid.
- 50/ Montreal Star, February 15, 1967.
- 51/ It should be noted that the teachers were strongly supported in their protest against the Government by the Canadian Teachers' Federation, the teachers' associations in most of the other provinces, the Quebec Federation of Labour, the Canadian Labour Congress, the CNTU, and other groups.
- 52/ One 21-day strike is not included because the number of teachers involved is not known.
- 53/ Montreal Gazette, February 15, 1963.
- 54/ Montreal Star, December 11, 1963.
- 55/ Ibid., June 12, 1963.
- 56/ Ibid.
- 57/ Quebec Chronicle Telegraph, February 12, 1964.
- 58/ Toronto Globe and Mail, February 20, 1964.
- 59/ Toronto Telegram, February 14, 1964.
- 60/ Montreal Gazette, February 28, 1964.
- 61/ Ibid., February 14, 1964.
- 62/ Ottawa Citizen, January 25, 1966.
- 63/ Ibid., January 29, 1966.
- 64/ By doing this, the teachers felt that the injunction would be ineffective because they would no longer be employees of the Commission. (However, such was apparently not the case because according to the teaching contract between the individual teacher and the commission, their teaching contract could not be broken during the school year except by mutual consent.)

- 65/ Ottawa Journal, January 22, 1966.
- 66/ Ibid., January 31, 1966.
- 67/ Ibid.
- 68/ Ibid., February 2, 1966.
- 69/ Ibid.
- 70/ Toronto Globe and Mail, April 13, 1966.
- 71/ Thirteen union officials were summoned to Court and were subject to fines up to \$2,000 and/or 60 days in jail.
- 72/ Toronto Globe and Mail, April 28, 1966.
- 73/ Ibid., January 16, 1967.
- 74/ Montreal Gazette, January 14, 1967.
- 75/ Ibid.
- 76/ Montreal Star, January 17, 1967.
- 77/ Vancouver Province, February 4, 1967.
- 78/ Montreal Star, February 7, 1967.
- 79/ Ibid.
- 80/ Montreal Gazette, February 21, 1967.
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- 82/ Ottawa Citizen, January 25, 1967.
- 83/ Toronto Globe and Mail, January 21, 1967.
- 84/ Ibid.

CHAPTER X

OTHER CURRENT ISSUES

A. TEACHERS—PROFESSIONALS OR TRADE UNIONISTS?

1. General

There has been much debate over the years as to whether or not teachers properly come within the definitions of "professionals". The basic problem, of course, is that there are many definitions, each with its own set of criteria. Although some, like P. Gallagher, feel that "by any standard, 'teaching' never seems to measure up. Teachers lack education, qualifications, dedication, insight, scholarship, status—rarely all but inevitably one". 1/

Despite the many criticisms it has generally been accepted that teaching is a profession because teachers, through their associations, fulfill the following four generally accepted criteria:

- (i) teachers, as with other professionals, possess a specialized body of knowledge and the profession finds its origin at the university;
- (ii) teachers are given corporate form through their association by statute in all of the provinces;

- (iii) teachers possess special skills and techniques derived from education and training and are prepared to exercise these skills primarily in the interest of others and in the service of the public; and
- (iv) teachers' associations exercise considerable control and discipline over their members through powers accorded to them either through their constitution or the incorporating legislation.

The teachers' associations in most provinces have actively ensured that the forementioned criteria are met. Although their control over certification and entrance into the profession is incomplete, 2/ the associations in all provinces, (a) provide teachers with a corporate voice, (b) are active in maintaining and upgrading entrance standard, and (c) control and exercise disciplinary power over their members.

All of the provincial associations actively encourage the upgrading of teachers. Some have gone so far as to sponsor and finance in-service teacher training programs. Some associations have recognized that teachers without a bachelor's degree do not fulfil these "professional" requirements. They, therefore, in addition to encouraging teachers to obtain a degree, have established "professional" and "non-professional" classifications of their members based upon whether or not a teacher possesses a bachelor's degree. Many teachers consider that the low proportion of teachers holding degrees seriously jeopardizes their ability to have the teaching vocation classified as a profession. This is a significant factor in Prince Edward Island,

Newfoundland, New Brunswick, Manitoba and Nova Scotia where only 12%, 14%, 20%, 29% and 30% respective, of the provincial teaching force hold degrees.

The question of "professional" status is further complicated by the conflict between the occupational and economic goals of the teachers with their professional and social goals. Many feel that there is a conflict between teachers bargaining and using the strike weapon while at the same time striving for professional recognition. Because of this mixture of activities the question is raised as to whether teachers are professionals or trade unionists. This question is seldom raised by teachers themselves who appear to have rationalized the incongruity of their various activities but it is raised by many school trustees and by the general public. In all fairness, the only answer to this question is that teachers strive for and consider themselves as having professional status while at the same time employ whatever trade union tactics are necessary to achieve their economic objectives.

2. Trade Union Affiliation

During the depressed years of the 1930's while the labour movement in Canada, as elsewhere, was gaining substantial membership support a movement developed within the teachers' associations advocating that teachers affiliate with the labour movement. This movement was particularly supported by immigrant teachers from Great Britain who were used to bargaining and being affiliated with labour. It was also supported by those teachers who realized that the trade union movement was obtaining economic advances at a time when teachers were losing many of the benefits they had gained during the 1920's. Hence, between 1931 and 1935 most of the teachers' associations seriously considered affiliating with the trade union movement.

Only in British Columbia did anything concrete materialize out of this movement. During the late 1930's the rural teachers in British Columbia were very dissatisfied with the level of their salary schedules (which were considerably lower than the schedules for urban teachers). Consequently in 1935 they formed a Rural Teachers' Association within the Federation and brought the question of unionism to each of the Federation's general meetings and conventions until finally in 1938 a committee was established to consider the question of affiliation with the labour movement. However, action was not taken until 1943 when the Federation voted (by a very slim majority) to affiliate with the labour movement. With their objective accomplished the Rural Teachers' Association voted themselves out of existence. The British Columbia Teachers' Federation affiliated with the craft unions in the Trades and Labour Congress, and not with the industrial unions in the Canadian Congress of Labour. This affiliation met with strong opposition from many teachers and the issue was debated at each teachers' convention up to 1956. In 1956, when the Trades and Labour Congress and Canadian Congress of Labour merged to form the Canadian Labour Congress, it was necessary for all affiliated unions to reaffirm their affiliation after the merger and accept an increase in membership dues to the C.L.C. Therefore, this matter was raised at the B.C. Teachers' Federation's 1956 annual general meeting and it was decided (again by a slim majority) not to reaffiliate with the Canadian Labour Congress.

Since their disaffiliation in 1956, the question of professionalism versus unionism has been debated from time to time within the British Columbia Teachers' Federation. In retrospect it appears as though the major benefit of the Federation's affiliation with labour was that it

forced teachers psychologically to accept the use of union tactics, such as collective bargaining. The British Columbia teachers' disaffiliation from the labour movement was not due to a rebellion against unionism as such but rather due to a realization that they had not directly benefited from their affiliation coupled with the knowledge that the same objectives could and were being achieved without affiliation.

The only other recorded move towards labour affiliation occurred in Nova Scotia. In 1951, a time when the teachers were struggling to obtain the right to bargain, the teachers in a province-wide referendum voted in favour of affiliation with the labour movement. Over 1,100 teachers voted in favour of affiliation and 918 opposed it. As it turned out, the teachers did not affiliate, and in 1955, the Council of the Nova Scotia Teachers' Union passed a motion deciding not to affiliate with the labour movement. Although the Nova Scotia teachers' organization is called the Nova Scotia "Teachers' Union" its activities are identical to those of the teachers "associations" and "federations" in the other provinces. The question of removing the word "Union" from their name has come up at a number of their annual meetings but so far no action has been taken.

3. Attitude towards Unionism

Teachers in Canada are not opposed to organized labour as such, although most of them are opposed to affiliation with the labour movement. Teachers' associations, however, have much in common with unions because of the similarity in objectives, the way they are organized, and, the tactics used to improve the economic and social welfare of their members. Teachers in Canada have clearly benefited, both directly and indirectly,

from the labour movements' battles with management and with the government. This is evident in both the salary structure and in the legislation in each of the provinces.

4. Attitude toward Union Tactics

Generally speaking the teachers in Newfoundland, Prince Edward Island, New Brunswick and Ontario have not been concerned with either the question of unionism or the use of union tactics. Their attitude appears to be that such activities are unprofessional and are therefore to be avoided. These teachers' associations have therefore utilized other avenues in their efforts to improve the economic position of their members. The teachers of Manitoba, Saskatchewan and British Columbia have developed strong collective bargaining positions but without resorting to the use of "union" coercive tactics. In each of these provinces, however, restlessness has been developing and the subject of coercive action has been debated during their recent general meetings. For example in 1962, British Columbia Teachers' Federation set up a \$50,000 "war chest" which carried the implied threat that it could be used as a strike fund. 3/ The teachers of Alberta and Quebec have generally accepted and adopted most of the approaches developed by the union movement. Both of these groups 4/ have accepted the benefits of trade unionism and freely utilize the techniques developed by the trade union movement.

The conflict between unionism and professionalism has caused some teachers to claim that their associations are "...suffering from a rather severe case of schizophrenia". 5/ Trustees are not satisfied with the teachers' use of union coercive tactics. For example the trustees in Saskatchewan have stated,

Trustees do not object to the existing level of teachers' salaries. It is the method of arriving at them which is obnoxious and, in the opinion of trustees, unfair to school boards, children and the general public.... It is very, very difficult for trustees...to harmonize the high co-operations (of teachers) with blacklisting of boards so they cannot get teachers, with making it difficult for boards to get clear of incompetent teachers and with strikes or threats of strikes which ultimately injure only children. 6/

All in all there does not appear to be much concern in Canada over teachers utilizing collective bargaining and other activities originally developed by the labour movement. Today with more professionals examining the possibilities of collective bargaining the concept of professional bargaining is becoming generally accepted. Most teachers believe that the essence of professionalism lies in the nature and quality of the services rendered and not in the manner used to determine salaries.

B. DEVELOPMENT OF PROFESSIONAL ACTIVITIES

1. In-Service Training

Most of the associations have been increasing the amount of time and money spent on professional development. For example, the secondary teachers in Ontario have stated,

we are no longer concerned primarily with salaries or protection. We are concerned with self-improvement, and we want professional status. 7/

To back up this statement they have established 20 subject councils for the purpose of advancing professional development for teachers of various subjects. Similar activities had previously been established in British Columbia and Alberta. For example, British Columbia has increased the

number of in-service educational courses from one in 1957 to 32 in 1966 (all entirely financed by the Teachers' Federation).

2. Control of Members

All of the teachers' organizations in Canada have established tribunals for dealing with members who persistently or flagrantly violate established standards of professional conduct as set out in the associations' professional code of ethics. These internal discipline mechanisms play an important role in the teachers' ability to fulfil the requirement of "professionals". The power possessed by these tribunals is dependent upon whether association membership is a condition of employment in the particular province. If membership is a condition of employment then these tribunals have the power to remove the teacher from the classroom and from his vocation. These tribunals establish a mechanism for a teacher to be charged, heard and judged before his peers. The type of penalty administered may be a warning, a suspension, expulsion from the association or, in serious cases, a recommendation to the Minister to cancel the person's teaching certificate. The type of issues considered by this tribunal range from contributing to juvenile delinquency 8/ indecent assault 9/, breach of contract, violation of "in-dispute" declaration or failure to honor a strike.

3. Control of Qualifications

The question of certification of teachers is of vital concern to all Canadian teachers' associations. At present there is no effective control over the entrance requirements and standards of interim and permanent certification of teachers by teachers' associations in any of the provinces.

This means that the teaching profession has no control over who enters its ranks and under what conditions. It is not always clear just who actually has the final word on admission to the profession since some provinces have certification boards while others do not. In most cases it is the Minister of Education in theory, and his immediate or senior advisor in practice.

In the Atlantic and Central regions, as in Manitoba, there appears to be a degree of informal consultation between the Departments of Education and the teachers' organizations concerning certification. Teachers in these provinces do not, however, have membership on certification boards or advisory committees. In Quebec, on the other hand, the teachers do have members on a ten-member certification board. These members are appointed for life by the Government from a panel of three who are named by the Association.

In the Prairie region the Saskatchewan Teachers' Federation names a representative to three separate committees, which are advisory to the Minister on matters allied to certification. However, it has no say in the actual certification. Teacher certification in Alberta is done by the Department of Education. Prior to 1966 evaluation of Alberta teachers for salary purposes was the responsibility of the University of Alberta and conducted by a twelve-member board composed of three members from both the University and the Department of Education and three members from both the Alberta School Trustees' Association and the Alberta Teachers' Association. At the end of 1966 the University refused to continue these activities and therefore a new evaluation board had to be established. The ATA in an attempt to assume these responsibilities started issuing their own certifications which the trustees' Association refused to recognize. The

trustees, on the other hand, pressed to have the Department of Education evaluate qualifications for salary purposes. A long and fierce political debate between the ATA and the ASTA took place over this issue. After much controversy, the issues were finally resolved in the teachers favour with the establishment of an ATA Teachers' Qualification Board. The Board is composed of 3 representatives from the universities, two from the Department of Education, two from the ASTA and three from the ATA (one of whom is chairman). This gives the ATA a form of control (the extent of which has yet to be seen) over the supply of teachers entering the province from the other areas.

The British Columbia Teachers' Federation is represented on the University Board of Teacher Education and also on the Professional Committee on Secondary and Primary Education. However they do not have any responsibility for teacher certification. Certification is the total responsibility of the Department of Education.

The British Columbia Teachers' Federation has perhaps gone the furthest in its attempt to gain full "professional" status by unilaterally classifying and evaluating those entering the profession. The Federation thus tried (in 1961) to assume responsibility for the competence of its members by only classifying those they felt to be competent and fully qualified as "professional teachers". This was an attempt to give the Federation greater control over its members. The plan was actively received at first but since qualifications for salary purposes continued to be evaluated by the Department of Education enthusiasm for the Federation's scheme diminished. I understand that they are now contemplating discontinuing the program.

It is anticipated that in the future the teachers' associations in all provinces will become more active in attempting to gain at least partial control over teacher certification and evaluation in Canada.

C. POLITICAL ACTION

Most of the General Secretaries of the various teachers' associations indicated that their association does not participate in political activities and that the activities of their association are not influenced by the government. Generally the teachers' associations and the departments of education co-operate and exchange views on educational problems. Since the government is responsible for the implementation of any educational changes, such as school administration, educational financing and curriculum development, these associations frequently find that they disagree with the government's policies. Their most common charge is that the government should take more definite action. Most of the associations are active concerning proposed legislation amendments affecting education. In this regard many of them meet with and submit briefs to the government several times a year.

The British Columbia Teachers' Federation in recent years has become more active on the political scene. This activity is evident in two ways. First it is becoming more active in presenting briefs to the Government and taking action before governmental bodies and, second, it is slowly starting to take direct political action itself as illustrated by the following editorial in their Newsletter:

"Political Action"

The British Columbia Teachers' Federation has always been a non-political organization. It has therefore, avoided actions which could be construed as favouring any political party.

This year the BCTF actively entered the election campaign by asking each of the parties to state its position on six matters affecting education: pupil-teacher ratio, teacher supply, teacher education standards, education finance, a full-time Minister of Education, and educational research.

Does the Federation's action represent a departure from its traditional stay-out-of-politics policy? Not at all. The BCTF is not interested in advancing the cause of any political party, but it is dedicated to the cause of education.

Its action in this selection campaign was designed to promote a discussion of important issues in education, so that teachers and parents could judge which parties and candidates are genuinely concerned about the education of our youth.

On September 12 you will cast a vote on behalf of yourself and your students. Use that vote wisely. 10/

The teachers of Alberta have used political action for many years although such action was more direct during the 1930's than today. For example, the Alberta Teachers' Association was very active in the 1935 provincial election. At that time the ATA actively supported the newly-formed Social Credit political party. This party was led by Mr. W. Aberhart, a school teacher, and eight of the other Social Credit candidates were also school teachers. The Social Credit party won the election by a landslide and it continues in power today. This support may have had some influence on the passing of the Teaching Profession Act in 1936 which gave teachers statutory membership and named the Association as the government sanctioned voice for Alberta teachers.

D. ROLE OF THE PRINCIPAL

Principals are normally both members and active leaders of the teachers' association in each of the provinces. For example, it has been estimated that approximately one-half of the teachers' negotiating committees in Alberta are principals and vice-principals. It is understood that principals in Canadian schools do not fulfil "supervisory" or "managerial" roles as the terms are understood in industry. Principals are responsible for the administration of the schools and the supervision of the pupils. But, they are not completely responsible for the supervision of teachers since they do not appoint, dismiss, discipline or transfer teachers, and they do not make recommendations for probationary or permanent appointments, or for promotions to supervisory positions. The superintendent, as representative of the board, is responsible for these matters.

The school trustees in most provinces have tried unsuccessfully to have principals excluded from the bargaining unit. At present most associations represent all those in the school system (except the superintendent) who possesses a teacher's certificate. The trustees' claim that it is unreasonable to expect the superintendent to effectively supervise all teachers in the school system and feel that such supervision can only be achieved by the principals which would necessitate their removal from the bargaining unit.

In most cases the salaries of the principals are negotiated along with salaries of the classroom teachers. Principals are usually paid the salary they would normally receive as a classroom teacher plus an administrative allowance based upon either the number of rooms, teachers or pupils in the

school. However, the principals in some jurisdictions, notably in Ontario and Quebec, negotiate with the school trustees separately from the teachers.

E. AREA BARGAINING

In most provinces, where teachers and trustees negotiate salaries, bargaining is generally conducted on a local basis which means that there are separate negotiations conducted for each school jurisdiction. The teachers claim that negotiations should properly be conducted on a local basis since salaries and working conditions are items of local concern between the school board and its teachers. Many trustees, on the other hand, argue that salaries are generally comparable within particular areas and that separate negotiations are inefficient and a waste of time. Consequently trustees in some of the provinces, particularly in the Prairie and Pacific regions, have attempted to institute area-wide bargaining. Under such a system the teachers and the trustees of all the jurisdictions in a particular geographical area bargain together and establish salaries for the entire area. It should perhaps be pointed out that not all trustees desire such a system since some boards prefer to pay higher than average salaries in order to attract teachers. The teachers' associations themselves have been opposed to area bargaining.

The governments in New Brunswick, Quebec and Saskatchewan have all unilaterally introduced and imposed province-wide or area-wide bargaining for teachers since 1967. In looking at recent developments in both British Columbia and Alberta and possibly Ontario there is an indication that possibly area-wide bargaining may develop in these provinces in the near future.

F. TEACHERS' WORK LOAD

The teachers' work load has recently become a topic of concern and is being discussed in most of the teachers' magazines and it has come up on the bargaining agenda in a number of instances.

1. Pupil-Teacher Ratio

Table A-14 (Appendix A) reports the average number of students per teacher in the various provinces. These figures can be misleading since provincial averages hide the variation that exist in the pupil-teacher ratios between rural and urban and between elementary and secondary schools.

The pupil-teacher ratio is one of the major factors determining the teacher's work-load. Yet it is a frequently misunderstood figure. For example, an average ratio of 26:1 does not mean that the average class size in the province is 26, rather it means that there is an average of one teacher for every 26 students in the school system—including principals, vice-principals and supervisory teachers. Even if there were 26 pupils per classroom teacher, the actual class size would still be greater than 26 because of the teachers' "spare" periods. Hence the number of pupils per teacher reported on Table 14, Appendix A is smaller than the average class size. The Canadian Education Association 11/ has concluded that the average class size may be estimated from the pupil-teacher ratio if,

- 2.5 students are added to the ratio for elementary classes
- 6.5 students are added to the ratio for junior high classes
- 9.5 students are added to the ratio for senior high classes
- 8.0 students are added to the ratio for secondary classes

Teachers are striving to have this pupil-teacher ratio reduced in order to provide (a) better teaching through smaller classes (a concept that has not been proven), (b) more supervisory teaching personnel in the school system, (c) more teacher specialization, and, (d) a reduced work load.

The teachers in British Columbia have recently become very concerned with the size of classrooms in that province. This concern may be due to the sharp increase from 24.4 pupils per teacher in 1963-64 to 28.2 per teacher in 1964-65. The BCTF submitted a brief to the Minister, in which they remind him that the recommendations of the Royal Commission on Education concerning class size have not been implemented 12/ (i.e. that the class size should be elementary—25 students, intermediate—30 students and senior—25 students). The BCTF's feels that the Government has increased class size in order to relieve the teacher shortage, as they state,

We contend that giving the teachers larger classes to stretch the available supply will perpetuate the shortage rather than alleviate it. Large classes are driving people out of the profession just at the time they are needed most...Maintaining large classes to solve the shortage problem is sheer folly. 13/

To put some teeth to their case and exert pressure on the Government the British Columbia teachers threatened to walk out of any classroom in September 1967 that contained more than 40 students. The BCTF stated that this would not be a strike "but rather a withdrawal of services". 14/ In 1966-67, 441 of the 8,032 classes in British Columbia had more than 40 students. The BCTF objective is to achieve a limit of 35 pupils in senior school classes and 25 in elementary grades.

2. Hours of Work

Teachers feel that the general public does not appreciate the work load of teachers. The view that teachers "have 9:00 to 3:00 job and all the holidays one can find" is not the case. In order to determine the teachers' work load and try to refute the public's misconception a number of associations have conducted work load surveys and studies. The findings of a few of these are as follows,

(a) Alberta—a study 15/ of 947 teachers in March 1962 revealed that their average work week was 50.2 hours, almost 40 of these hours were spent instructing, preparing and testing and the remaining hours were required for administrative, professional, extra-curricular and supervisory activities. Another survey 16/ reported that the typical Alberta high school English teacher worked 54 hours per week in 1964-65.

(b) Ontario—a survey 17/ of secondary teachers in Ontario revealed that,

- (i) 82 per cent teach 33 periods or more a week and 23% teach 40 periods or more,
- (ii) more than one-half spend more than 4 hours a week doing extra jobs at school and another 20% spend at least 7 hours per week in extra-curricular activities,
- (iii) more than one-half devote 12 hours per week in preparing lessons and studying while most of them spend at least 10 hours in these activities.

The OSSTF concluded from this study that secondary teachers are "working too long and too hard".

(c) Manitoba—in a study 18/ of 641 teachers in Manitoba it was reported that the teachers' annual average workload during the school year

was 2,070 hours. In addition, the average teacher surveyed spent another 20 hours during Christmas and Easter vacations and another 74 hours during the summer on professional activities. Thus these teachers reported that their average number of hours per week during the school year was 46.5 hours or 9.3 hours per day and that they also worked an average of 5.2 hours on the weekends. Less than half of this time (48.7%) was actually spent instructing with another 31% required for preparation and testing of students. The remaining 20% of the time was spent on professional development (7.3%) extra curricular activities (2.9%), supervision (6.2%), in-service training (1.2%) and other administrative activities (2.8%).

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CHAPTER XI

STUDY RESULTS

As outlined in the Introduction, this study has been designed to fulfill the objective of documenting the development and the present characteristics of the collective bargaining activities of the Canadian public elementary and secondary school teachers. The results and conclusions which may be drawn from this study are as follows.

A. DEVELOPMENT OF THE TEACHERS' ASSOCIATIONS

Prior to 1910, teachers in Canada were neither organized on an occupational basis nor appeared to possess any clear objectives regarding professional recognition. As members of educational institutes they acted as though they knew their place in the educational hierarchy and generally refrained from any type of self assertive action. It took World War I and its impact on ideas about educational equality, the pressures of inflation and leadership from British and Canadian trade unionists to change all this. Either during or immediately after the War, teachers (other than the French and English Catholic teachers in Quebec and Ontario) in all provinces formed their own associations and broke away from the educational institutes. In forming these associations Canadian teachers finally accepted responsibility for their own economic and professional development.

Many of these original occupational associations merged to form stronger provincial organizations, with the result that in Canada today there are sixteen provincial teachers' associations, all but one of which is affiliated (either directly or indirectly) with the Canadian Teachers' Federation. There is one teachers' association in each province except Quebec and Ontario. (In Quebec there is a Protestant association, an English Catholic association and a French association while in Ontario there are five separate provincial associations all affiliated with the Ontario Teachers' Federation).

B. RELATIVE STRENGTH OF TRUSTEE AND TEACHER ASSOCIATIONS

In each province the trustee association is weaker, provides fewer services and has less membership support than does the teachers' association. For example, the trustees are well organized and their association provides the best service to local school boards in the provinces of Alberta and British Columbia. The trustee association in these provinces, however, do not command the same membership support as do the teacher associations and consequently are neither as strong nor provide the same services as do the teacher associations. The same relationship between the powers and services provided by teacher and trustee associations exists in the other provinces to the point that in Newfoundland, where the teachers' association is weak, there is no trustee association.

C. ASSOCIATION SECURITY

Membership security, in the form of either automatic or compulsory membership, has been granted in all provinces. The provinces of British Columbia, Alberta, Ontario and New Brunswick have all followed the

Saskatchewan pattern of requiring all teachers to be members of the teachers' associations as a condition of employment. The associations in these provinces have, in effect, a "closed shop" imposed and enforced by statute. The statutes in the provinces of Manitoba, Quebec, Nova Scotia, Prince Edward Island and Newfoundland, on the other hand, provide the teachers' associations with automatic but not compulsory membership. Teachers in these provinces may opt-out of the association each year during a stipulated "escape" period. Financial security is enjoyed by all teachers' associations since either the Department of Education or the school boards in all provinces deduct association membership fees from the payroll of member teachers.

Teachers' associations were granted this security as early as 1935 in Saskatchewan and by 1951 the associations in the other nine provinces had obtained this security. The obtaining of these professional statutes and statutory membership has played a crucial role in providing the means for teachers to exercise a significant influence in provincial educational power structures. Furthermore, this "closed shop" imposed and enforced by statute is perhaps the most powerful single influence affecting the operation and results of the collective bargaining process.

D. THE RIGHT TO BARGAIN

One of the primary reasons for the formation of teachers' associations was the need for a vehicle through which teachers could seek to improve their economic position. The vehicle sought and achieved by the associations in eight provinces was collective bargaining. Collective bargaining was obtained as a statutory "right" by the teachers in seven provinces and

has been granted to the teachers through a "gentlemen's agreement" with the trustees' Council in Ontario. In the two island provinces of Prince Edward Island and Newfoundland the teachers as yet do not have, and apparently are not seeking, the right to bargain. In these two provinces the teachers' associations present briefs to the government but they do not bargain with the governments.

The "right", as opposed to the "privilege", of bargaining was granted by statute to teachers in Alberta as early as 1941. This right was obtained by teachers in Manitoba and Saskatchewan immediately after the War and by those in Nova Scotia and British Columbia in 1956 and 1957. It took until 1964 for this right to be granted in Quebec and until 1968 in New Brunswick. In each province the seeking of this right was met with considerable resistance from the Departments of Education, school trustees and some teachers and was only achieved after a considerable period of struggle.

E. THE BARGAINING UNIT

Unlike in the private sector, there has been relatively little concern over the defining and establishing of bargaining units for teachers. Except where specifically determined by statute (Saskatchewan, Quebec and New Brunswick), the bargaining unit in the five other provinces where teachers bargain conforms to the size of the local school jurisdiction. Within the past two years the Governments in the provinces of Quebec and New Brunswick unilaterally established province-wide bargaining units and the Government in Saskatchewan established Area bargaining units for teachers. Therefore teachers' salaries are determined at the province-wide level either unilaterally by the Government (Newfoundland and Prince Edward Island) or with

the Government as a party to the bargain (Quebec and New Brunswick) in four provinces, on an area-wide basis in one province and locally in the remaining five provinces.

The scope of the bargaining unit generally includes all those in the school system who hold a teaching certificate (except for the superintendent). In all provinces the bargaining unit includes teachers, vocational teachers and counsellors and excludes the superintendents. Principals and vice-principals are generally included in the unit except that, in provinces where association membership is not compulsory, many of the principals and vice-principals have opted-out of the association and either bargain individually with the school board or have formed their own bargaining associations.

F. THE BARGAINING AGENT

The bargaining agent has been specifically defined by statute or by the regulatory board in six provinces and has been voluntarily recognized in two others. In Quebec and New Brunswick, where negotiations are province-wide, the provincial teachers' associations have been named as the bargaining agents. In four provinces (British Columbia, Saskatchewan, Manitoba and Ontario) where bargaining units correspond to the size of the local or area school jurisdictions, the certified bargaining agents are committees of the local or area teachers. In Alberta and Nova Scotia, although bargaining units are local in scope, the provincial associations are certified as the bargaining agents.

G. NEGOTIABLE ITEMS

Legislation controlling teacher negotiations allow the teachers to negotiate a wide variety of subjects as "terms and conditions" of employment. Two provinces (British Columbia and Saskatchewan) have attempted to

limit the subjects negotiated, but such attempts have not been very effective. While teachers "may" negotiate a broad range of subjects, the practice has been that the items proposed for negotiations are primarily confined to monetary items, such as salaries and allowances. The Corporation des Enseignement du Québec is the only association which has a history of negotiating a broad range of benefits and working conditions. Only recently have many of these non-monetary items appeared on the negotiating agendas of the other teachers' associations.

H. NEGOTIATION PROCEDURE

The provinces may be grouped according to the major features of their negotiation procedures. The groupings according to major features are as follows:-

- (i) Newfoundland and Prince Edward Island must be separated from the other provinces since the teachers in these two provinces do not bargain. The associations in these provinces do, however, periodically make salary presentations to the provincial governments.
- (ii) By practice, negotiations may commence at any time notice is served in Alberta, Ontario and Nova Scotia. The remaining five provinces all require that notice to commence negotiations must be served within or by a stipulated time period or date.
- (iii) Only in the provinces of Quebec, New Brunswick and possibly Saskatchewan are the provincial associations involved in the initial stages of negotiations. In the other provinces, negotiations commence between the school board and a local committee of the teachers and only if these local efforts fail do the provincial associations become involved (at the "bargaining agent"

stage in Alberta and at either the conciliation officer or conciliation board stage in the other provinces).

- (iv) The procedure in British Columbia, Saskatchewan and New Brunswick requires all disputes to be referred to conciliation within a specified period or by a specified date. In the other provinces the dispute is only referred to conciliation upon the request of one of the parties (although teachers are not allowed to strike until after conciliation in four provinces).
- (v) The conciliation process is a one step procedure in British Columbia, Saskatchewan, Manitoba and Nova Scotia and a two-step process in Alberta and New Brunswick. Of the four provinces wherein there is a single conciliation step, only Nova Scotia uses a three man conciliation board and the others use a single conciliator. In Alberta and New Brunswick the process includes both a conciliation officer and a three man conciliation board. These conciliators are required to make a report and a recommendation to the parties only in Alberta, Saskatchewan and Nova Scotia. The procedure in Ontario may involve the executives of the teachers' Federation and the trustees' Council in the role of conciliators (this may be either a one or a two-step process).
- (vi) British Columbia and Manitoba are the only provinces which require the final settlement of all disputes by compulsory binding arbitration. The statutes of the provinces of Alberta, Quebec and New Brunswick specifically grant the teachers the right to strike (although this right was temporarily curtailed by Bill 25 in Quebec). The statutes in Saskatchewan and Nova Scotia are silent on this point and the teachers in both these provinces consider

that they "reserve" the right to strike (officials from the Departments of Education agree with the teachers' interpretation in both provinces). Manitoba is the only province which specifically stipulates that teachers' strikes are illegal.

- (vii) The practice in Alberta, Saskatchewan and Nova Scotia has been that informal mediation occurs either just prior to or after negotiations have broken down and a strike is called. The appointment of a mediator is at the discretion of the Minister of Education in Saskatchewan and Nova Scotia and with the consent of the parties in Alberta.
- (viii) The statutes in both Saskatchewan and New Brunswick provide for voluntary binding arbitration and require that the parties indicate whether such a procedure is acceptable or not. In Saskatchewan if the parties reject this voluntary arbitration, the Minister is free to publish the positions of the parties and the recommendation of the conciliator.

I. THE RIGHT TO STRIKE

As previously indicated, teachers have either the explicit or implied right to strike in five provinces. This right has only been exercised by teachers in three provinces (Alberta, Saskatchewan and Quebec). The teachers in Nova Scotia do not strike as a matter of policy and this right was granted to teachers in New Brunswick only last year. Considering the number of negotiations conducted each year, teachers' salaries have been established with very little friction in all provinces. During the period July 1, 1960 and May 1, 1969, there were twenty-six teacher strikes in Canada. Twenty-one of these occurred in Quebec (eight of which were

illegal), three in Alberta and two in Saskatchewan. These strikes amounted to a loss of 3,451 teacher-days in Alberta, 1,617 teacher-days in Saskatchewan and over 444,362 teacher-days in Quebec. With the exception of Quebec, neither the frequency nor the severity of these strikes is alarming. In 1967 the Quebec Government reacted to the pressure created by these strikes by passing Bill 25 which temporarily removed the teachers' right to strike.

There are a few very important differences in the use and impact of the strike between the private and the public sectors. The most important is that the strike is primarily an economic sanction in the private sector whereas it is primarily a political and social sanction in the public sector. Second, teachers are prevented from terminating their services during the school year (except by mutual consent) which not only prevents illegal strikes but also prevents teachers from seeking other teaching employment either prior to or during a strike. Therefore unlike the industrial employer, the school board is protected against a loss of teachers during a strike. Third, the compulsory membership requirement in five provinces prevents the trustees from using "strike breakers". Finally, because of concern over the schooling of the children there is considerably more third-party involvement and the parties are more sensitive to public pressure than are the parties in the private sector. As a result of these basic differences one should not attempt to directly apply private sector strike experience to the teachers' situation.

J. OTHER SANCTIONS

In five provinces, where the legal strike has either been denied to the teachers or where the teachers themselves have rejected the strike as

an alternative, the associations have developed and use other sanctions to apply pressure to school boards. The sanctions most commonly used are the "coincidental" or "mass" resignation, the "in-dispute" designation, the "work-to-rule" or "restricted voluntary duties", and recently, the "rotating" strike. In examining the impact and consequences of these sanctions there is evidence to suggest that the strike is more effective but yet less disruptive than either the coincidental resignation or the in-dispute designation. The strike has an immediate impact but has a relatively short-run disruption carry-over. The mass resignation and the in-dispute designation have considerably greater long-run impact and may leave the school system inadequately staffed for a number of years.

K. RELATION BETWEEN SCHOOL AND INDUSTRIAL NEGOTIATIONS

Collective bargaining between teachers and trustees follows the general pattern of collective bargaining in the industrial setting. The basic difference is that the parties are governed by a different set of laws and regulations and the relations between the parties is complicated by the public nature of the employers' business and by the drive of teachers for full professional status and recognition.

Other factors that tend to separate teacher-trustee collective bargaining from normal employer-employee bargaining are,

- (a) the high degree of mutual trust that exists,
- (b) the absence of normal criteria for determining levels of earnings such as output, productivity, supply and demand and ability to pay,

- (c) the absence of the influence of the profit motive,
- (d) the almost total reliance upon salary comparisons based upon other teachers and not other groups of employees,
- (e) the competition between school boards for the short supply of teachers,
- (f) the influence of the provincial teachers' associations upon the outcome of local negotiations, and,
- (g) the concern for and influence of the public and the departments of education upon negotiations.

Due to the forementioned factors the atmosphere surrounding negotiations is usually cordial and the parties generally more flexible in their attitudes than those in industrial negotiations. This is not to say that the negotiators are "soft" because on many occasions teachers' negotiators have proven to be tough-minded masters of horse trading, ploys and other techniques used by other skilled negotiators.

L. A SINGLE INDUSTRIAL RELATIONS SYSTEM

An examination of the parties and the procedures followed leads to the conclusion that there are 10 separate and distinct teacher/trustee industrial relations systems in Canada. The social, cultural and historical development of each province is unique which has resulted in different approaches to collective bargaining being developed in each province. For example, the approach to questions such as local autonomy, government involvement, use of economic sanctions, legislative enactments, etc. are different in each province. The inherent differences that exist between

the provinces make it unreasonable to consider that any uniform bargaining procedure would be applicable in all provinces. The most obvious example is that the centrally controlled, legislatively based system used in Quebec would never be acceptable to the parties in Ontario and vice versa.

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APPENDIX A

STATISTICS RELATING TO DISTRIBUTION AND CLASSIFICATION OF CANADIAN TEACHERS

Table

A-1	Total Number of Teachers by Provinces, 1956-57 to 1965-66
A-2	Male Teachers as a Percentage of Provincial Teachers, 1956-57 to 1965-66
A-3	Male Rural Teachers as a Percentage of Provincial Rural Teachers, 1956-57 to 1965-66
A-4	Male Urban Teachers as a Percentage of Provincial Urban Teachers, 1956-57 to 1965-66
A-5	Urban Teachers as a Percentage of Provincial Teachers, 1956-57 to 1965-66
A-6	Percentage of <u>Male</u> , <u>Female</u> and <u>Total</u> Teachers with Graduate Degrees by Provinces, 1958-59 to 1965-66
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TABLE A-1

Total Number of Teachers by Province, 1956-57 to 1965-66

	Newfoundland	Prince Edward Island	Nova Scotia	New Brunswick	Quebec	Ontario	Manitoba	Saskatchewan	Alberta	British Columbia	Total
1956-57	8,368	853	5,766	4,859	37,502	38,143	6,345	7,767	8,910	9,210	122,702
1957-58	3,527	849	5,912	4,981	38,591	40,403	6,645	8,033	9,702	9,993	128,656
1958-59	3,896	853	6,177	5,337	41,084	43,586	6,919	8,240	10,855	10,667	137,614
1959-60	4,019	904	6,432	5,631	43,348	45,571	7,076	8,337	11,071	11,285	143,474
1960-61	4,317	969	6,664	5,866	45,694	47,838	7,460	8,638	11,762	11,868	151,076
1961-62	4,502	1,013	6,951	6,039	49,586	50,912	8,069	8,997	12,414	12,514	160,997
1962-63	4,789	1,072	7,176	6,268	53,885	54,176	8,269	9,246	13,136	13,311	171,328
1963-64	5,036	1,132	7,423	6,358	53,981	58,283	8,534	9,556	13,884	14,067	178,254
1964-65	5,351	1,166	7,638	6,577	58,130	62,251	8,975	9,996	14,702	14,879	189,705
1965-66	5,545	1,209	7,897	6,812	62,200	66,164	9,232	10,515	15,518	15,759	200,851

Source: Dominion Bureau of Statistics; Salaries + Qualifications of Teachers in Public Elementary and Secondary Schools, Table 1

TABLE A-2

Male Teachers as a Percentage of Provincial Teachers 1956-57 to 1965-66

	<u>Prince Edward Island</u>	<u>Nova Scotia</u>	<u>New Brunswick</u>	<u>Quebec</u>	<u>Ontario</u>	<u>Manitoba</u>	<u>Saskatchewan</u>	<u>Alberta</u>	<u>British Columbia</u>	<u>Total ten Provinces 1/</u>
1956-57	35%	14%	16%	18%	19%	31%	30%	30%	42%	27%
1957-58	34	14	17	18	19	31	30	30	41	27
1958-59	35	14	17	19	20	31	30	30	42	27
1959-60	36	15	18	20	20	32	34	30	43	28
1960-61	37	15	19	21	21	33	34	31	43	29
1961-62	38	17	20	22	22	35	35	33	44	30
1962-63	37	18	20	22	23	37	37	34	44	31
1963-64	37	18	22	23	24	38	38	35	44	33
1964-65	38	20	23	24	26	39	37	36	44	34
1965-66	36	20	24	25	27	40	—	37	44	34

1/ Excludes Saskatchewan 1965-66

Source: Dominion Bureau of Statistics, Salaries and Qualifications of Teachers in Public Elementary and Secondary Schools, Table 1

TABLE A-2

Male Rural Teachers as a Percentage of Provincial Rural Teachers, 1956-57 to 1965-66

	Newfoundland	Prince Edward Island	Nova Scotia	New Brunswick	Ontario	Manitoba	Saskatchewan	Alberta	British Columbia	Total Nine Provinces
1956-57	38%	11%	12%	14%	19%	31%	32%	30%	38%	25%
1957-58	40	10	14	14	17	31	33	29	37	25
1958-59	43	11	14	15	—	32	33	29	36	26
1959-60	43	11	15	17	26	33	33	30	38	28
1960-61	44	11	17	18	22	35	33	31	38	27
1961-62	46	12	18	18	24	35	34	32	39	29
1962-63	45	13	18	17	30	37	36	34	38	31
1963-64	44	14	19	18	27	36	36	35	39	30
1964-65	43	14	19	20	28	37	36	35	39	31
1965-66	38	14	20	20	29	35	—	35	39	30

Source: Dominion Bureau of Statistics, Salaries and Qualifications of Teachers in Public Elementary and Secondary Schools, Table 9

TABLE A-4

Male Urban Teachers as a Percentage of Provincial Urban Teachers, 1956-57 to 1965-66

	Newfoundland	Prince Edward Island	Nova Scotia	New Brunswick	Ontario	Manitoba	Saskatchewan	Alberta	British Columbia	Total Nine Provinces
1956-57	26½	22½	20½	23½	34½	29½	33½	30½	44½	35½
1957-58	26	24	19	23	34	29	34	30	43	33
1958-59	26	24	20	24	—	29	33	30	44	32
1959-60	27	23	20	25	34	31	34	30	44	33
1960-61	28	23	21	25	30	33	35	31	45	32
1961-62	29	27	22	26	38	34	35	33	45	36
1962-63	30	26	23	26	37	36	37	35	46	36
1963-64	31	26	24	27	41	37	39	35	46	39
1964-65	32	29	25	28	42	37	—	37	45	40
1965-66	32	30	26	29	42	37	—	38	45	40

Source: Dominion Bureau of Statistics, Salaries and Qualifications of Teachers in Public Elementary and Secondary Schools, Table 9

TABLE A-2

Urban Teachers as a Percentage of Provincial Teachers, 1956-57 to 1965-66 1/

	Newfoundland	Prince Edward Island	Nova Scotia	New Brunswick	Ontario	Manitoba	Saskatchewan	Alberta	British Columbia	Total Nine Provinces
1956-57	42%	24%	54%	45%	75%	52%	31%	53%	70%	62%
1957-58	44	25	54	46	79	55	33	55	72	64
1958-59	44	27	55	47	—	58	36	58	73	—
1959-60	45	29	56	47	71	65	38	60	72	63
1960-61	45	31	55	50	74	62	40	63	78	65
1961-62	48	33	56	52	77	61	42	63	77	67
1962-63	50	35	57	52	—	64	45	66	77	—
1963-64	53	36	58	53	80	66	46	68	77	71
1964-65	52	36	59	55	80	67	48	70	79	72
1965-66	53	36	58	56	81	68	—	72	78	74

N.B. Since Ontario Data not reported from 1958-59 and 1962-63 the total 9 provinces has also not been reported.

1/ Urban—centres greater than 1,000 population

Source: Dominion Bureau of Statistics, Salaries and Qualifications of Teachers in Public Elementary and Secondary Schools, Table 9.

TABLE A-6

Percentage of Male, Female and Total Teachers with Graduate Degrees by Province, 1958-59 to 1965-66

	Newfoundland	Prince Edward Island	Nova Scotia	New Brunswick	Ontario	Manitoba	Saskatchewan	Alberta	British Columbia	Total
MALE										
1958-59	18.9%	25.0%	59.1%	39.0%	13.7%	38.1%	30.8%	53.2%	54.3%	46.1%
1959-60	18.4	25.8	59.6	37.8	51.6	46.4	31.9	53.3	54.9	48.4
1960-61	19.8	26.2	56.7	38.8	52.0	44.0	33.1	56.5	56.0	49.0
1961-62	24.4	26.4	55.8	38.4	59.8	42.8	35.5	57.9	56.1	53.0
1962-63	21.7	25.4	56.3	38.5	52.5	38.5	37.5	59.1	57.4	50.3
1963-64	23.2	32.4	55.3	—	53.4	43.6	39.6	60.9	59.3	52.0
1964-65	24.3	35.5	56.4	45.6	53.7	46.3	43.1	62.9	61.8	53.0
1965-66	26.4	36.1	59.7	46.9	54.6	48.4	—	65.1	63.8	55.4
FEMALE										
1958-59	4.5%	2.7%	15.4%	7.0%	13.7%	13.4%	7.5%	13.1%	20.1%	12.9%
1959-60	4.8	3.0	15.9	7.2	14.8	15.9	7.8	13.6	20.9	13.8
1960-61	5.4	3.9	16.2	7.3	15.3	16.4	8.3	14.7	22.5	14.4
1961-62	5.9	3.8	16.7	7.7	17.1	15.1	8.6	15.7	22.7	15.5
1962-63	6.3	4.8	17.9	7.8	17.1	16.0	0.5	17.0	24.3	16.0
1963-64	6.2	6.2	19.1	—	18.3	16.7	9.9	18.6	25.5	17.7
1964-65	6.6	5.4	19.9	10.1	19.2	17.8	10.6	20.7	27.1	18.2
1965-66	6.8	6.2	20.9	11.0	19.9	18.4	—	22.0	29.0	19.9
TOTAL										
1958-59	9.5%	5.6%	22.8%	13.1%	24.4%	20.8%	15.2%	25.0%	34.4%	23.1%
1959-60	9.7	6.3	23.7	13.5	26.6	25.6	15.9	25.5	35.4	24.7
1960-61	10.7	7.2	23.8	14.1	27.7	25.6	16.7	27.5	37.0	25.7
1961-62	11.3	7.7	24.7	14.5	32.0	24.5	18.0	29.6	37.4	28.2
1962-63	12.1	8.4	25.7	14.5	30.1	25.8	19.6	31.4	38.9	28.1
1963-64	12.6	11.0	27.0	—	31.7	27.0	21.0	33.5	40.5	30.4
1964-65	13.3	11.3	28.3	18.7	32.6	28.3	22.8	35.9	42.3	31.1
1965-66	14.0	12.1	30.0	19.9	35.7	29.5	—	38.4	44.2	33.2

Source: Dominion Bureau of Statistics, Salaries and Qualifications of Teachers in Public Elementary and Secondary Schools, Table 30

TABLE A-7

Teachers with Certificate Level 4-7 as a Percentage of Provincial Teachers, 1956-57 to 1965-66 1/

	Newfoundland	Prince Edward Island	Nova Scotia	New Brunswick	Ontario	Manitoba	Saskatchewan	Alberta	British Columbia	Total Nine Provinces
1956-57	7.9%	5.2%	21.8%	9.3%	18.5%	17.8%	13.7%	19.5%	36.2%	19.0%
1957-58	7.9	5.4	24.0	10.3	22.1	17.7	14.9	21.7	39.4	21.8
1958-59	8.3	4.2	24.9	13.5	—	18.3	14.8	23.2	41.1	20.0
1959-60	8.9	4.1	26.8	14.4	18.2	22.6	15.2	22.9	41.3	21.2
1960-61	10.1	5.4	27.1	15.1	18.2	20.5	15.3	25.7	42.3	21.5
1961-62	10.4	7.2	29.4	15.9	20.3	21.7	17.8	29.1	43.6	23.7
1962-63	11.4	10.1	30.9	17.3	20.4	23.1	19.0	31.1	44.5	24.4
1963-64	13.2	12.8	31.5	17.3	22.	23.8	19.7	32.1	44.1	25.7
1964-65	13.3	14.4	34.9	22.2	24.7	25.58	22.5	36.8	47.8	28.4
1965-66	14.5	13.8	37.3	24.7	25.8	26.8	—	39.1	50.2	30.6

1/ Level 4 to 6 for years 1956-57 to 1963-64 and level 4 to 7 for remaining years

Source: Dominion Bureau of Statistics, Salaries and Qualifications of Teachers in Public Elementary and Secondary Schools, Tables 28 & 29

TABLE A-8

Rural Teachers with Certificate Level 4-7 as a Percentage of Provincial Rural Teachers, 1956-57 to 1965-66 1/

	Newfoundland	Prince Edward Island	Nova Scotia	New Brunswick	Ontario	Manitoba	Saskatchewan	Alberta	British Columbia	Total Nine Provinces
1956-57	2.6%	3.1%	10.6%	3.7%	4.2%	5.4%	7.7%	12.3%	21.1%	7.6%
1957-58	3.2	3.1	13.1	5.1	3.4	5.1	8.1	13.6	22.3	8.6
1958-59	3.3	1.8	14.0	7.7	—	5.2	8.6	15.8	20.6	10.8
1959-60	3.8	1.1	16.4	8.1	—	7.2	8.4	16.0	22.1	—
1960-61	4.4	2.2	16.4	8.2	5.7	6.1	8.3	17.8	22.1	9.7
1961-62	4.0	4.1	18.0	8.6	5.7	9.0	10.6	20.3	24.3	11.2
1962-63	4.9	6.3	18.5	9.3	5.5	8.7	11.6	20.9	24.7	13.1
1963-64	5.1	6.9	20.9	10.0	8.6	11.3	12.9	23.0	27.0	13.5
1964-65	6.3	9.9	21.5	12.3	9.2	9.9	14.7	25.2	30.2	14.8
1965-66	7.1	10.2	24.8	14.7	10.8	10.3	—	26.0	32.5	16.5

1/ Level 4-6 for years 1956-57 to 1963-64 and levels 4-7 for remaining years

Source: Dominion Bureau of Statistics, Salaries and Qualifications of Teachers in Public Elementary and Secondary Schools, Tables 28-29

TABLE A-9

Urban Teachers with Certificate Level 4-7 as a Percentage of Provincial Urban Teachers, 1956-57 to 1965-66 1/

	Newfoundland	Prince Edward Island	Nova Scotia	New Brunswick	Ontario	Manitoba	Saskatchewan	Alberta	British Columbia	Total Nine Provinces
1956-57	14.0%	12.2%	31.9%	17.0%	23.6%	30.5%	28.1%	26.6%	42.5%	26.8%
1957-58	14.0	11.8	33.6	16.7	27.9	28.6	30.4	28.9	46.3	30.3
1958-59	14.6	11.0	33.8	20.1	—	27.8	29.4	30.6	47.4	33.2
1959-60	15.2	11.2	34.9	21.3	23.4	31.1	29.6	29.7	48.8	29.0
1960-61	16.9	12.5	36.14	22.1	27.8	31.2	30.9	33.1	48.7	31.7
1961-62	17.3	13.4	38.6	22.8	24.7	30.2	28.0	34.4	49.4	30.0
1962-63	17.7	17.2	40.4	24.8	—	31.3	28.0	36.3	50.4	—
1963-64	21.8	25.0	38.5	24.7	25.9	29.5	27.2	36.0	48.9	30.6
1964-65	18.0	22.3	44.1	30.3	28.5	33.6	31.4	41.8	52.7	33.9
1965-66	21.3	19.9	46.6	32.8	29.3	34.3	—	44.2	55.4	34.5

1/ Level 4-6 for years 1956-57 to 1963-64 and level 4-7 for remaining years

Source: Dominion Bureau of Statistics, Salaries and Qualifications of Teachers in Public Elementary and Secondary Schools, Tables 28-29

TABLE A-10

Teachers with Certificate Levels 0 and -1 as a Percentage of Total Teachers, 1956-57 to 1965-66

	Newfoundland	Prince Edward Island	Nova Scotia	New Brunswick	Ontario	Manitoba	Saskatchewan	Alberta	British Columbia	Total Nine Provinces
1956-57	54.0%	14.9%	17.2%	26.6%	9.1%	4.6%	2.3%	2.9%	1.1%	10.1%
1957-58	51.1	14.5	14.5	12.1	7.5	5.4	2.2	3.2	1.3	8.4
1958-59	50.3	64.7	13.3	19.1	—	5.1	1.7	5.8	2.0	—
1959-60	46.9	46.9	11.0	16.6	9.2	3.4	1.5	7.3	2.1	9.5
1960-61	40.2	36.1	10.2	15.0	7.7	4.3	1.4	7.1	1.9	8.7
1961-62	44.0	31.2	8.8	13.6	6.3	3.9	1.2	5.9	1.4	7.4
1962-63	40.2	24.5	8.3	12.7	6.2	3.7	1.0	4.8	1.6	6.9
1963-64	40.5	21.6	7.9	22.4	5.2	3.6	1.1	4.2	1.7	6.8
1964-65	35.0	21.4	8.1	13.2	6.9	5.1	1.7	4.4	1.5	7.2
1965-66	31.6	21.8	8.6	12.7	6.1	5.7	—	5.2	1.2	7.1

Source: Dominion Bureau of Statistics, Salaries and Qualifications of Teachers in Public Elementary and Secondary Schools, Tables 26-29

TABLE A-11

Recruitment Sources of Teachers, 1965

	Newfoundland	Prince Edward Island	Nova Scotia	New Brunswick	Ontario	Manitoba	Saskatchewan 1/	Alberta	British Columbia	Total
another province or country	51	23	174	119	880	141	207	542	609	2,746
teacher training institutions	734	47	475	499	5,091	745	1,142	1,271	1,382	11,386
other educational institutions	463	31	100	185	1,976	358	251	363	154	3,881
other non-teaching occupations	167	41	163	148	1,871	221	490	226	299	3,626
from household duties	172	65	254	215	871	237	—	446	338	2,598
Total	1,587	207	1,166	11,166	10,689	1,702	2,090	2,848	2,782	24,237

1/ 1964

TABLE A-12

Numbers of Students Enrolled in Faculties of Education 1959-60 to 1964-65

	Atlantic Provinces		Quebec		Ontario 1/		Western Provinces		Canada	
	No.	% 2/	No.	%	No.	%	No.	%	No.	%
1959-60	928	9	2841	9	535	2	4450	17	8754	9
1960-61	1048	9	3406	10	602	2	5417	18	10473	11
1961-62	1493	11	4292	11	736	2	6448	19	12996	11
1962-63	1625	11	4681	11	719	2	7214	19	14239	11
1963-64	1686	11	5224	11	724	2	8202	19	15836	11
1964-65	1962	12	5457	10	820	2	10034	21	18273	11

1/ Does not include enrolment in the 13 teachers' Colleges

2/ Per cent of total undergraduate enrolment

Source: D.B.S. Preliminary Statistics on Education

TABLE A-13

Numbers of Graduates from Canadian Faculties of Education 1956-57 to 1963-64

	<u>56-57</u>	<u>57-58</u>	<u>58-59</u>	<u>59-60</u>	<u>60-61</u>	<u>61-62</u>	<u>62-63</u>	<u>63-64</u>
Total Graduates	14,441	15,702	16,659	18,393	19,769	23,102	25,221	29,084
Total Education Graduates	1,193	1,652	1,749	2,102	2,430	3,009	3,495	3,998
Education Graduates as % of total Graduates	8.26	10.52	10.50	11.43	12.29	13.02	13.86	13.75

TABLE A-14
Numbers of Pupils per Teacher in each Province, 1956-57 to 1964-65

	Prince Edward Island	Nova Scotia	New Brunswick	Quebec	Ontario	Manitoba	Saskatchewan	Alberta	British Columbia	Total
1956-57	26.0	24.2	22.8	23.7	22.6	23.9	23.2	20.8	23.7	23.4
1957-58	26.3	24.1	23.0	23.9	22.4	24.1	22.1	20.8	23.0	23.3
1958-59	25.3	24.7	22.9	23.6	23.0	23.8	21.9	21.4	21.7	23.2
1959-60	25.9	24.2	22.8	23.4	22.7	24.3	23.7	21.6	22.7	23.6
1960-61	24.9	22.8	22.3	23.2	22.6	23.7	22.9	21.4	22.6	23.2
1961-62	24.9	22.9	22.4	23.0	22.0	23.8	21.9	21.4	21.4	23.0
1962-63	24.2	22.2	22.2	22.5	21.1	23.6	22.6	21.3	22.3	22.6
1963-64	23.5	21.6	21.9	22.3	21.7	22.8	22.6	21.6	22.0	22.4
1964-65	26.9	24.3	26.7	24.8	24.3	27.6	25.7	23.9	24.3	25.9

Source: D.B.S. Preliminary Statistics on Education

APPENDIX B

SALARY STATISTICS FOR
CANADIAN TEACHERS

Table

B-1	Average Salaries Paid to Rural, Urban and Total Teachers with Certificate Level 4 to 7 and less than 1-Year Experience, by Province, 1957-58 to 1964-65
B-2	Average Salaries Paid to Rural, Urban and Total Teachers with Certificate Level 4 to 7 and 10 to 15 Years Experience, by Province, 1959-60 to 1964-65
B-3	Average Salaries Paid to Classroom Teachers, Principals and Total Teachers, by Province, 1957-58 to 1965-66
B-4	Average Salaries Paid to Teachers with (A) less than Level 4 Qualifications and (B) Level 4 to 7 Qualifications, by Province, 1957-58 to 1965-66
B-5	Average Teachers Salaries as a Percentage of Average Industrial Employee Earnings, by Province, 1958 to 1966
B-6	Average Salaries Paid to Teachers with Certificate Levels 4 to 7 as a Percentage of Average Professional Income, by Province, 1958 to 1964
B-7	Teachers' Salaries as a Percentage of Average Industrial Employee Earnings in 12 Selected Cities, 1964 to 1966

TABLE B-1

Average Salaries Paid to Rural, Urban and Total Teachers
with Certificate Level 4 to 7 and less than 1-Year Experience, by Province, 1957-58 to 1964-65

	Newfoundland		Prince Edward Island		Nova Scotia		New Brunswick		Ontario			Manitoba		Saskatchewan		Alberta		British Columbia		Total		
	No.	Av.	No.	Av.	No.	Av.	No.	Av.	Elementary	Secondary	Total	No.	Av.	No.	Av.	No.	Av.	No.	Av.	No.	Av.	
1957-58																						
Urban	3	—	—	—	57	\$2863	14	\$3400	—	—	—	—	36	\$2942	17	\$4055	38	\$4043	140	\$3506	302	\$3411
Rural	3	—	1	—	23	2679	10	3059	—	—	—	—	2	—	6	3600	14	3966	27	3464	80	3286
Total	6	—	1	—	80	2810	24	3258	—	—	—	—	38	—	23	3936	52	4022	167	3499	382	3385
1958-59																						
Urban	18	\$3682	1	—	64	3013	20	3497	—	—	—	—	36	3500	18	4118	62	4174	155	4067	373	3803
Rural	8	3729	—	—	34	2911	22	3370	—	—	—	—	6	2033	8	—	10	—	24	3859	94	3500
Total	26	3696	1	—	98	2978	42	3430	—	—	—	—	42	3540	26	—	72	—	179	4039	467	3702
1959-60																						
Urban	18	3539	3	\$3400	75	3577	30	3793	18	\$4298	237	\$5217	255	\$5152	40	4507	24	4404	77	4391	108	4338
Rural	4	—	1	—	21	3433	25	3386	—	—	25	5104	25	5104	7	4428	12	—	14	4414	51	4125
Total	22	—	4	—	96	3546	55	3608	18	4298	262	5206	280	5148	53	4497	36	—	91	4395	239	4293
1960-61																						
Urban	42	3703	4	3550	95	3706	49	3917	29	4415	276	5272	305	5191	56	4524	43	4583	88	4483	231	4659
Rural	4	—	1	—	50	3397	23	3386	—	—	15	5133	15	5133	7	5504	18	3831	21	4406	24	4624
Total	46	—	5	—	145	3599	72	3811	29	4415	—	—	320	5188	63	4240	61	4361	109	4468	255	4656
1961-62																						
Urban	18	3804	3	—	101	3787	46	4187	21	4600	321	5376	342	5320	57	4395	37	4816	162	4641	236	4656
Rural	2	3850	4	3288	43	3484	26	3428	3	4401	19	4664	22	4627	13	4601	18	4680	37	4661	52	4662
Total	20	3807	7	—	144	3697	74	3900	24	4583	340	5349	364	5298	70	4333	55	4771	199	4645	288	4657
1962-63																						
Urban	58	3752	10	3556	120	3920	33	4448	15	4459	553	5525	574	5288	80	4430	62	4929	241	4870	289	4612
Rural	5	—	2	3400	52	3697	9	—	—	—	3	5107	5	5107	12	—	23	4556	47	4773	49	4675
Total	43	—	12	3260	172	3959	42	—	15	4459	562	5522	579	5287	92	—	85	4828	288	4854	338	4621
1963-64																						
Urban	32	3642	11	3675	120	4053	92	4654	47	3018	340	5472	353	5292	84	4512	60	5132	286	4881	319	4779
Rural	7	4099	6	3250	45	3915	33	4111	2	4390	19	3544	21	3543	3	4450	31	4019	66	4792	64	4817
Total	39	3688	17	3655	171	4017	125	4511	49	3603	365	5406	414	5295	92	4507	91	5025	356	4664	383	4785
1964-65																						
Urban	35	3920	5	3960	129	4239	99	4417	72	5590	332	5548	404	5200	125	4566	63	5207	361	4857	373	4905
Rural	10	4546	9	3370	46	3971	36	4235	—	—	12	5707	12	5707	15	4731	28	5250	81	4769	53	4931
Total	45	3992	14	3580	177	4166	135	4368	72	5590	344	5556	416	5216	140	4612	91	5220	442	4845	426	4908
1965-66																						
Urban	35	3920	5	3960	129	4239	99	4417	72	5590	332	5548	404	5200	125	4566	63	5207	361	4857	373	4905
Rural	10	4546	9	3370	46	3971	36	4235	—	—	12	5707	12	5707	15	4731	28	5250	81	4769	53	4931
Total	45	3992	14	3580	177	4166	135	4368	72	5590	344	5556	416	5216	140	4612	91	5220	442	4845	426	4908

Source: D.B.S. Salaries and Qualifications of Teachers in Public and Elementary and Secondary Schools, Table 18.

TABLE B-2

Average Salaries Paid to Rural, Urban and Total Teachers
with Certificate Level 4 to 7 and 10 to 15 Years Experience, by Province 1959-60 to 1964-65

	Newfoundland		Prince Edward Island		Nova Scotia		New Brunswick		Ontario			Manitoba		Saskatchewan		Alberta		British Columbia		Total		
	No.	Av.	No.	Av.	No.	Av.	No.	Av.	Elementary	Secondary	Total	No.	Av.	No.	Av.	No.	Av.	No.	Av.	No.	Av.	
1959-60																						
Urban	24	\$5093	3	—	134	\$5091	61	\$4830	28	\$5075	952	\$7778	980	\$7701	135	\$6457	137	\$6528	277	\$6520	601	6869
Rural	7	4700	1	—	45	4609	22	4077	3	3867	127	7382	130	7301	11	6327	48	6053	119	6773	106	6694
Total	31	5004	4	—	179	4970	83	4630	31	4958	1079	7731	1110	7654	146	6447	185	6405	396	6596	707	6843
1960-61																						
Urban	30	4925	4	\$3973	156	5248	85	4936	41	6745	1102	8086	1143	8038	149	6746	155	6961	314	6833	764	7321
Rural	4	4865	—	—	49	4736	16	4277	2	4300	72	7625	74	7535	12	—	46	6347	95	6839	86	7170
Total	34	4918	4	3973	205	5126	101	4832	43	6651	1174	8058	1217	8007	161	—	201	6820	409	6834	850	7306
1961-62																						
Urban	40	5040	7	4793	186	5576	85	5456	39	6167	1266	8311	1305	8247	186	6847	171	7177	378	7231	830	7448
Rural	2	4935	—	—	68	4717	17	4128	1	—	77	8113	78	—	21	6310	69	6294	113	6983	112	7324
Total	42	5035	7	4793	254	5346	102	5295	40	—	1343	8300	1383	—	207	6793	240	6923	491	7174	942	7433
1962-63																						
Urban	38	5113	10	4985	214	5810	110	5611	37	6175	141	8565	1448	8504	241	7103	196	7491	424	7592	920	7535
Rural	5	—	4	—	72	4833	27	4276	1	—	18	7453	19	—	28	6423	75	6885	104	7455	112	7313
Total	43	—	14	—	286	5564	137	5348	38	—	1429	8550	1467	—	269	7032	271	7323	528	7565	1032	7511
1963-64																						
Urban	45	5859	10	5460	226	6210	113	6131	57	5780	1388	8886	1445	8763	252	7339	198	7858	446	7867	961	7824
Rural	3	7353	8	5600	87	5791	26	4546	4	5738	96	8559	100	8446	32	6685	74	7178	104	7617	108	7626
Total		5951	18	5522	313	6094	139	5835	61	5777	1484	8865	1545	8742	284	7265	272	7673	550	7820	1069	7805
1964-65																						
Urban	45	5918	8	5713	251	6748	165	6297	71	5089	1518	9258	1589	9072	260	7467	219	8381	487	8021	1075	8115
Rural	7	6590	7	5686	97	6207	32	5040	1	5700	102	8959	103	8927	36	7222	81	7662	114	7887	125	7847
Total	52	6008	15	5700	348	6597	195	6041	72	5097	1620	9259	1692	9063	296	7437	300	8187	601	7996	1198	8087

Source: D.B.S. Salaries and Qualifications of Teachers in Public Elementary and Secondary Schools, Table 21.

TABLE B-2

Average Salaries Paid to Classroom Teachers,
Principals and Total Teachers, by Province, 1957-58 to 1965-66

	Newfoundland	Prince Edward Island	Nova Scotia	New Brunswick	Ontario	Manitoba	Saskatchewan	Alberta	British Columbia	Total
<u>Classroom Teachers</u>										
1957-58	\$2042	\$1680	\$2693	\$2418	—	\$3276	\$3488	\$3876	\$4176	\$3331 1/2
1958-59	2289	2012	2841	2602	—	3438	3778	4171	4713	3620 1/2
1959-60	2355	2295	3111	2749	\$4688	4182	3934	4501	5077	4308
1960-61	2349	2413	3141	2886	4883	4215	4120	4636	5402	4479
1961-62	2421	2800	3325	3016	5030	4233	4262	4936	5450	4623
1962-63	2468	2915	3441	3187	5207	4311	4378	5112	5526	4769
1963-64	2630	3002	3780	3423	5344	4449	4560	5271	5720	4952
1964-65	2813	3145	4020	3621	5575	4534	4885	5478	5914	5174
1965-66	3019	3210	4100	3801	5538	4677	—	5676	6118	—
<u>Principals and Vice Principals</u>										
1957-58	\$2887	\$2136	\$3234	\$3030	—	\$4432	\$4913	\$5609	\$5834	\$4244 1/2
1958-59	3279	2354	3523	3348	—	4755	5303	6017	5819	4829 1/2
1959-60	3225	2619	3820	3608	\$5974	6147	5597	6743	7123	5648
1960-61	3283	2784	4087	3809	6234	6011	5884	7004	7744	5904
1961-62	3358	3377	4381	4046	6651	5874	6011	7412	7838	6218
1962-63	3554	3480	4542	4303	6624	6111	6271	7725	7996	6353
1963-64	3786	3573	5046	4692	7267	6295	6441	7911	8204	6722
1964-65	3872	3704	5519	4790	7697	6574	6966	8288	8659	7120
1965-66	4205	3895	5781	5346	9090	7072	—	8694	9239	—
<u>Total Teachers</u>										
1957-58	\$2221	\$1912	\$2761	\$2489	—	\$3383	\$3654	\$4070	\$4343	\$3453 1/2
1958-59	2489	2054	2934	2684	—	3568	3960	4376	4913	3766 1/2
1959-60	2531	2533	3197	2844	\$4825	4589	4134	4736	5287	4450
1960-61	2557	2467	3270	2992	5027	4314	4374	5023	5665	4654
1961-62	2618	2874	3465	3145	5193	4421	4545	5305	5743	4820
1962-63	2705	2987	3987	3317	5365	4518	4657	5489	5825	4968
1963-64	2899	3074	3938	3594	5531	4643	4836	5634	6006	5158
1964-65	3046	3212	4201	3750	5776	4744	5184	5855	6214	5393
1965-66	3286	3309	4324	4000	6086	4963	—	6132	6592	—

1/ Does not include Ontario.

Source: D.B.S. Salaries and Qualifications of Public, Secondary and
Elementary Teachers, Table 24.

TABLE B-4

Average Salaries Paid to Teachers with (A) less than Level 4 Qualifications and
(B) Level 4 to 7 Qualifications, by Province, 1957-58 to 1965-66

(A) Less than Level 4 Qualifications

	Newfoundland	Prince Edward Island	Nova Scotia	New Brunswick	Ontario	Manitoba	Saskatchewan	Alberta	British Columbia
1957-58	\$2035	\$1834	\$2335	\$2293	\$ -	\$3074	\$3323	\$3649	\$3675
1958-59	2270	1989	2490	2425	-	3239	3595	3884	4129
1959-60	2309	2266	2610	2530	4272	3776	3721	4183	4419
1960-61	2311	2380	2643	2666	4445	3808	3902	4383	4691
1961-62	2365	2725	2773	2740	4616	3833	4033	4573	4733
1962-63	2430	2783	2854	2867	4743	3883	4088	4677	4808
1963-64	2576	2870	3113	3057	4757	3969	4226	4801	4939
1964-65	2675	2921	3228	3173	4969	4051	4456	4972	5088
1965-66	2831	3011	3292	3331	5208	4143	-	5171	5358

(B) Level 4 - 7 Qualifications

1957-58	\$4521	\$3277	\$4140	\$4316	-	\$4850	\$5668	\$5497	\$5379
1958-59	4932	3531	4320	4491	-	5050	6109	5885	6091
1959-60	4785	3898	4823	4783	7274	6559	6439	6540	6538
1960-61	4512	3965	4914	4927	7524	6604	6739	6802	6981
1961-62	4831	4841	5167	5297	7584	6594	6943	7060	7060
1962-63	4859	4788	5253	5472	7789	6707	7120	7299	7127
1963-64	5327	5029	5684	5765	8044	6864	7280	7292	7292
1964-65	5521	4975	6076	5824	8246	6932	7752	7395	7485
1965-66	5970	5184	6082	6044	8666	7250	-	7631	7836

Source: D. B. S. Salaries and Qualifications of Teachers in Public Elementary and Secondary Schools, Table 25.

TABLE B-5

Average Teachers Salaries as a Percentage of
Average Industrial Employee Earnings 1/, by Province, 1958 to 1966 2/

	Newfoundland	Prince Edward Island	Nova Scotia	New Brunswick	Ontario	Manitoba	Saskat- chevan	Alberta	British Columbia	Total
1958										
Avg. teaching salary	\$2221	\$1912	\$2761	\$2489	—	\$3383	\$3654	\$4070	\$4343	\$3453
Avg. Wage	3243	2600	3033	3023	—	3476	3543	3790	3946	3668
Percent 2/	66.5%	71.9%	91.0%	82.3%	—	97.3%	103.1%	107.4%	109.8%	94.3%
1959										
Avg. teaching salary	\$2489	\$2054	\$2934	\$2684	—	\$3568	\$3960	\$4376	\$4913	\$3766
Avg. Wage	3311	2847	3129	3140	—	3648	3643	3933	4165	3680
Percent	75.2%	72.1%	93.8%	85.5%	—	97.8%	108.6%	111.3%	118.0%	98.6%
1960										
Avg. teaching salary	\$2531	\$2333	\$3197	\$2844	\$4825	\$4389	\$4134	\$4736	\$5287	\$4458
Avg. Wage	3531	2860	3258	3258	4093	3729	3751	4047	4314	3943
Percent	71.7%	81.6%	98.1%	87.3%	117.9%	117.7%	110.2%	117.0%	122.5%	113.1%
1961										
Avg. teaching salary	\$2557	\$2407	\$3270	\$2992	\$5027	\$4414	\$4374	\$5023	\$5665	\$4654
Avg. Wage	3713	2960	3327	3305	4219	3619	3058	4183	4430	4065
Percent	68.9%	81.2%	98.3%	90.5%	119.1%	115.6%	113.4%	120.1%	127.9%	114.5%
1962										
Avg. teaching salary	\$2618	\$2874	\$3465	\$3145	\$5198	\$4421	\$4545	\$5305	\$5743	\$4820
Avg. Wage	3600	3021	3418	3417	4350	3927	4005	4265	4547	4191
Percent	66.8%	95.1%	101.4%	92.0%	119.5%	112.0%	113.5%	124.4%	126.3%	115.0%
1963										
Avg. teaching salary	\$2705	\$2987	\$3587	\$3317	\$5305	\$4518	\$5057	\$3489	\$5825	\$4968
Avg. Wage	3941	3124	3500	3559	4505	4033	4128	4374	4707	4338
Percent	68.0%	95.6%	100.8%	93.2%	119.2%	112.0%	112.8%	125.5%	123.8%	114.5%
1964										
Avg. teaching salary	\$2699	\$3074	\$3934	\$3594	\$5531	\$4643	\$4030	\$5034	\$6000	\$5158
Avg. Wage	4064	3207	3681	3708	4076	4110	4230	4505	4914	4507
Percent	71.0%	95.3%	107.0%	96.9%	118.3%	113.0%	114.2%	125.0%	122.2%	114.4%
1965										
Avg. teaching salary	\$3040	\$3212	\$4201	\$3750	\$5776	\$4744	\$3184	\$5855	\$6214	\$5393
Avg. Wage	4187	3274	3823	3850	4525	4279	4418	4691	5244	4736
Percent	72.7%	98.1%	109.9%	96.4%	117.3%	110.9%	117.3%	124.8%	118.5%	113.9%
1966										
Avg. teaching salary	\$3046	\$3212	\$4201	\$3750	\$6086	\$4973	—	\$6132	\$6592	—
Avg. Wage	4187	3274	3823	3850	5187	4428	4626	4933	5581	—
Percent	72.7%	98.1%	109.9%	96.4%	117.8%	112.3%	—	124.3%	118.1%	—

1/ based on a combination of average weekly earnings for manufacturing, mining construction and services.

2/ comparing school year 1957-58 with calendar year 1958, etc.

3/ Source: D.B.S. Salaries and Qualifications of Teachers in Public Elementary and Secondary Schools
D.B.S. Review of Employment and Payrolls

TABLE B-6

Average Salaries Paid to Teachers with Certificate Levels 4 to 7
as a Percentage of Average Professional Income ^{1/} by Province 1958 to 1964 ^{2/}

	Newfoundland	Prince Edward Island	Nova Scotia	New Brunswick	Ontario	Manitoba	Saskat- chewan	Alberta	British Columbia	Total
1958 Teachers Professional % ^{3/}	\$ 4521 12801 35.3%	\$ 3277 8411 39.0%	\$ 4140 10908 38.0%	\$ 4316 9132 47.3%	\$ — 11779 —	\$ 4850 12037 40.3%	\$ 5668 12696 44.6%	\$ 5497 11907 46.2%	\$ 5379 11695 46.0%	\$ 11247
1959	\$ 4932 15457 31.9%	\$ 3531 9647 36.6%	\$ 4320 11704 36.9%	\$ 4491 9355 48.0%	\$ — 12148 —	\$ 5050 12138 41.6%	\$ 6109 13256 46.1%	\$ 5883 12255 48.0%	\$ 6091 12240 49.8%	\$ 11579
1960	\$ 4785 13054 36.7%	\$ 3898 9877 39.5%	\$ 4823 11583 41.6%	\$ 4783 11403 41.9%	\$ 7274 12552 58.0%	\$ 6559 12395 52.9%	\$ 6439 13749 46.8%	\$ 6540 13422 48.7%	\$ 6538 12199 53.6%	\$ 6519 12155 53.7%
1961	\$ 4512 21141 21.5%	\$ 3965 10367 38.2%	\$ 4914 13353 36.8%	\$ 4927 10308 47.8%	\$ 7524 12910 58.3%	\$ 6604 12396 53.3%	\$ 6739 13590 49.6%	\$ 6802 14274 47.7%	\$ 6981 12410 56.3%	\$ 6834 12458 54.9%
1962	\$ 4831 15466 31.2%	\$ 4841 10885 44.5%	\$ 5167 12777 40.4%	\$ 5297 11387 46.5%	\$ 7584 13216 57.4%	\$ 6594 12617 52.5%	\$ 6943 13630 50.9%	\$ 7093 12901 55.0%	\$ 7060 12575 56.1%	\$ 6966 12760 54.6%
1963	\$ 4859 16948 29.7%	\$ 4788 13288 36.0%	\$ 5253 13088 40.1%	\$ 5472 13507 41.1%	\$ 7789 14256 54.6%	\$ 6707 13073 51.3%	\$ 7120 15734 45.3%	\$ 7299 14664 49.8%	\$ 7127 12720 56.0%	\$ 7120 13780 51.7%
1964	\$ 5327 17358 30.7%	\$ 5029 12122 41.5%	\$ 5684 13609 41.8%	\$ 5765 14741 59.1%	\$ 8044 15638 51.4%	\$ 6864 13405 51.2%	\$ 7280 16669 43.7%	\$ 7275 14795 49.2%	\$ 7292 13678 53.5%	\$ 7315 14834 49.5%

^{1/} Includes accountants, doctors, dentists, lawyers, engineers, architects, entertainers and artists
^{2/} comparing school year 1957-58 to calendar year 1958, etc.

^{3/} average salary for teachers with degrees as a percent of average professional income

Source: D.B.S. Salaries and Qualifications of Teachers in Public Elementary and Secondary Schools,
Table 25, Department of Internal Revenue, Taxation Statistics, Table 9

TABLE B-7

Teachers' Salaries as a Percentage of Average Industrial Employee Earnings 1/ in 12 Selected Cities, 1964 to 1966 2/

	<u>St. John's</u>	<u>Halifax</u>	<u>Sydney</u>	<u>St. John</u>	<u>Moncton</u>	<u>Winnipeg</u>
	<u>Nfld.</u>	<u>N.S.</u>	<u>N.S.</u>	<u>N.B.</u>	<u>N.B.</u>	<u>Man.</u>
1964						
Average teachers salaries	\$3892	\$3708	\$4512	\$5229	\$4535	\$5727
Avg. industrial employee earnings	3431	3802	4379	3721	3517	3962
Percent 3/	113.4%	150.1%	103.0%	140.5%	129.0%	144.6%
1965						
Average teachers salaries	\$4050	\$3301	\$4867	\$5214	\$4063	\$5832
Avg. industrial employee earnings	3630	3971	—	3961	—	4111
Percent	111.6%	158.7%	—	131.6%	—	141.9%
1966						
Average teachers salaries	\$4357	\$6260	\$5070	\$5382	\$4788	\$6034
Avg. industrial employee earnings	3945	4123	4637	4098	3834	4191
Percent	110.5%	151.8%	109.3%	131.3%	124.9%	144.0%
	<u>Regina</u>	<u>Saskatoon</u>	<u>Calgary</u>	<u>Edmonton</u>	<u>Vancouver</u>	<u>Victoria</u>
1964						
Average teachers salaries	\$5355	\$5684	\$5836	\$6038	\$6469	\$6589
Avg. industrial employee earnings	4162	3945	4487	418704	482144	482744
Percent	128.7%	144.1%	130.1%	144.2%	134.2%	136.5%
1965						
Average teachers salaries	\$5724	\$6110	\$6018	\$6180	\$6694	\$6757
Avg. industrial employee earnings	4305	4094	4478	455971	509201	459983
Percent	133.0%	149.5%	134.4%	135.5%	131.5%	146.9%
1966						
Average teachers salaries	—	—	\$6239	\$6419	\$7104	\$6555
Avg. industrial employee earnings	4542	4234	4623	486915	538412	471956
Percent	—	—	135.0%	131.8%	131.9%	138.9%

1/ based on a combination of average weekly earnings for manufacturing, mining construction and services

2/ comparing school year 1963-64 to calendar year 1964, etc.

3/ teachers' average salaries as a % of average industrial employee earnings

Source: D.B.S. Elementary and Secondary Section, Education Division (not published data)
D.B.S. Review of Employment and Payroll

APPENDIX C

EXAMPLES OF IN-DISPUTE
DESIGNATION LETTERS USED
IN ONTARIO

TO ALL MEMBERS OF
FEDERATION OF WOMEN TEACHERS' ASSOCIATIONS OF ONTARIO
AND
ONTARIO PUBLIC SCHOOL MEN TEACHERS' FEDERATION

1. Negotiations between
 - (a) the Board of Education for the Borough of North York and its elementary public school staff,
 - (b) the Board of Education for the Borough of North York and provincial representatives of F.W.T.A.O. and O.P.S.M.T.F.to establish an acceptable salary schedule for 1967-68 have failed.
2. The Board has not availed itself of Step 3 in the negotiation procedures which involves representatives of the Ontario School Trustees' Council in addition to those of F.W.T.A.O. and O.P.S.M.T.F.
3. The Board has declined to meet with a joint committee of the Ontario Teachers' Federation and the Ontario School Trustees' Council to seek a solution to the dispute at Step 4.
4. The Board has also declined to accept a final invitation to meet representatives of F.W.T.A.O. and O.P.S.M.T.F. by May 19, 1967.
5. You are hereby notified that relations between the Board of Education for the Borough of North York and F.W.T.A.O. and O.P.S.M.T.F. are UNSATISFACTORY.
6. This relationship WILL REMAIN UNSATISFACTORY until a mutually acceptable agreement has been reached.
7. Any F.W.T.A.O. and/or O.P.S.M.T.F. member who accepts a position with the NORTH YORK Board of Education while the latter is "GRAY LISTED" will be liable to lose all privileges, protection and benefits afforded by F.W.T.A.O. and/or O.P.S.M.T.F.
8. CONTACT YOUR PROVINCIAL FEDERATION OFFICE before applying for or accepting a position with the Board of Education for the Borough of North York.

YOUR CO-OPERATION IS ESSENTIAL IN MAINTAINING PROFESSIONAL AND ETHICAL STANDARDS.

(SGD) MELBA M. WOOLLEY
F.W.T.A.O. President

(SGD) B. B. LAWSON
O.P.S.M.T.F. President

Issued by authority of the Executive of the Federation of
Women Teachers' Associations of Ontario and the Provincial
Executive of the Ontario Public School Men Teachers' Federation.

Federation House,
1260 Bay Street,
TORONTO 5, Ontario.

May 23, 1967.

ONTARIO SECONDARY SCHOOL TEACHERS' FEDERATION
1260 BAY STREET, FOURTH FLOOR, TORONTO 5, ONT.
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INFORMATION BULLETIN TO THE MEMBERS OF THE
ONTARIO SECONDARY SCHOOL TEACHERS' FEDERATION

RE NORTH YORK

1. A disagreement has arisen between members of the O.S.S.T.F. teachers in North York and the Board of Education for the Borough of North York over salaries. Representatives of the Provincial Executive of the O.S.S.T.F. have negotiated the matter with the Board of Education for the Borough of North York, but have been unable to settle the disagreement in a manner satisfactory to the teachers of North York or to the Provincial Executive.
2. Some of the O.S.S.T.F. members teaching in North York will be resigning their positions.
3. It is not unprofessional for a member of the Ontario Secondary School Teachers' Federation to accept a teaching position in North York.
4. Until further notice, any member of this Federation who accepts a position with the Board of Education for the Borough of North York will NOT receive any support from this Federation in salary negotiations or any aid in any professional difficulty in which the member may find himself or herself while teaching in North York.

ONTARIO SECONDARY SCHOOL TEACHERS' FEDERATION

(SGD) C. J. McCAFFRAY,
President.

(SGD) I. M. ROBB,
General Secretary.

May 19, 1967

APPENDIX D

LA NEGOCIATION COLLECTIVE CHEZ LES ENSEIGNANTS CANADIENS DU SECTEUR PUBLIC—EXPERIENCE ET ORIENTATION

RESUME

Introduction

L'éducation au Canada constitue une grande entreprise! Ses dépenses totales pour l'année 1968 s'élevaient à \$5,931,000,000. Par rapport à l'ensemble de l'économie canadienne, ces chiffres représentent des frais de \$286.00 per capita ou de 7.3 pour cent du produit national brut.

Le coût de l'éducation au Canada a rapidement augmenté. Au cours des dix dernières années, cette augmentation a atteint 381 pour cent; aujourd'hui, ces dépenses correspondent à 9.7 pour cent du revenu personnel total, alors qu'elles n'étaient que de 5.1 pour cent il y a dix ans. Puisque 88 pour cent des fonds affectés à l'éducation élémentaire et secondaire proviennent de la taxation, ces augmentations ont alourdi considérablement la charge du contribuable moyen et particulièrement celle des propriétaires. Face à ce surplus, certains secteurs de la population ont réclamé un contrôle et une diminution des dépenses. D'autres demandent que soit déplacée la source qui alimente l'éducation; ils voudraient que les gouvernements provinciaux et même le gouvernement fédéral assument une bonne partie du poids des taxes imposées actuellement aux propriétaires, au niveau municipal.

Il s'ensuit que la question de l'école publique—coût, méthodes de financement, distribution des fonds—a retenu considérablement l'attention publique et la scène politique, au cours des dernières années.

Les salaires versés aux enseignants représentent presque 70 pour cent des frais d'opération des écoles publiques canadiennes. L'affectation d'une telle proportion des dépenses totales à un seul poste—et particulièrement au poste "salaire"—devait naturellement provoquer dans toutes les provinces de nombreuses discussions à propos du niveau et de l'augmentation des salaires. On comprendra peut-être l'intérêt qu'a suscité cette question si l'on sait que, au cours de la dernière décennie, la moyenne des salaires 1/ a subi une moyenne d'augmentation annuelle de 10.5 pour cent chez les enseignants, et de seulement 5.4 pour cent chez les salariés du secteur industriel. Cet intérêt provient en partie du fait que les enseignants de huit provinces, ont eu recours à la négociation collective pour améliorer leur situation économique et professionnelle. Les enseignants, comme groupe, ont exercé d'une manière ou d'une autre des pressions économiques et/ou politiques, dans six de ces huit provinces. Ces manifestations prenaient diverses formes: grèves, démissions massives, refus d'accomplir des tâches "non professionnelles", "journées d'étude" et autres activités du genre. Dans chacun de ces cas, les moyens d'information ont accordé beaucoup d'importance à ces événements, à cause de l'impact direct et indirect qu'ils avaient sur les parents et sur les écoliers.

Ce document vise deux objectifs: premièrement, indiquer le caractère des relations de négociation collective entre les enseignants canadiens

des écoles publiques élémentaires et secondaires et leurs employeurs et, deuxièmement, exposer certaines opinions de l'auteur sur l'orientation que semblent prendre ces relations et sur leurs conséquences en matière de taxe scolaire 2/.

Tout d'abord, il convient de souligner que selon l'Acte de l'Amerique Britannique du Nord et les interprétations subséquentes des tribunaux, la responsabilité de l'éducation (ailleurs que chez les Indiens, les Esquimaux et, en certains cas, les enfants de ceux qui font partie des forces armées) et des relations du travail se rapportant aux régimes scolaires repose sur les gouvernements provinciaux. Par conséquent, le Canada renferme dix - et non pas un - régimes provinciaux complètement autonomes en matière d'éducation et de relations du travail. Chacun a quelques caractéristiques bien à lui, ce qui fait qu'il faut se garder de généraliser de parler du "régime canadien".

L'ORIGINE DES ASSOCIATIONS D'ENSEIGNANTS

Quelques historiens 3/ en matière d'éducation situent l'origine des associations actuelles d'enseignants dans des groupements qui virent le jour au Canada vers la fin du siècle dernier. S'il est vrai que quelques-uns d'entre eux, comme "l'Ontario Educational Association", existent encore, ils ne jouent pas et n'ont jamais joué le rôle qu'assument aujourd'hui les associations d'enseignants. Les anciens groupements étaient formés de gens intéressés d'une manière ou d'une autre aux problèmes de l'éducation et qui se réunissaient une fois l'an pour discuter d'éducation en général.

Les associations d'enseignants actuelles, pour leur part, sont composées de professeurs de carrière qui, tout au long de l'année, travaillent activement à la solution de leurs problèmes économiques, professionnels et éducationnels. Quoique plusieurs des associations d'enseignants soient nées à l'intérieur de groupements provinciaux et s'en soient séparées par la suite, ce serait manquer de réalisme que d'attribuer à ces groupements l'origine des associations professionnelles d'enseignants telles qu'elles se définissent aujourd'hui.

Avant 1910, les enseignants canadiens n'étaient pas organisés au niveau de l'emploi et ne semblent pas avoir entretenu d'objectifs définis sur le plan de la reconnaissance du statut de professionnels. Membres d'organismes voués à l'éducation, ils se comportaient comme des gens qui savent garder leur place dans une hiérarchie et s'abstenaient généralement de quelque forme que ce soit d'auto-affirmation. Pour changer cet état de choses, il ne fallut pas moins que la Première Guerre mondiale et le choc des idées qu'elle a engendré quant au droit à l'éducation pour tous, de même que les pressions dues à l'inflation et au leadership provenant des syndicats britanniques et canadiens. Pendant la guerre ou peu après, les enseignants (autres que catholiques francophones et anglophones de l'Ontario, et catholiques anglophones du Québec) formèrent leurs propres associations dans toutes les provinces et se séparèrent des anciens organismes. La création de ces associations signifiait qu'enfin les enseignants assumaient eux-mêmes la responsabilité de leur évolution économique et professionnelle.

Plusieurs de ces associations professionnelles des débuts se sont groupées afin de constituer des organisations provinciales plus fortes. Il s'ensuit que maintenant, au Canada, il existe seize corps professionnels provinciaux dont quinze sont affiliés (directement ou indirectement) à la "Canadian Teachers' Federation" 4/. A l'exception du Québec et de l'Ontario, chaque province a son association d'enseignants. (Dans le Québec, il y a une association protestante, une association catholique anglophone et une francophone; dans l'Ontario, il y a cinq associations provinciales distinctes, toutes affiliées à "l'Ontario Teachers' Federation".)

Alors que toutes ces associations, sauf une, sont affiliées à la "Canadian Teachers' Federation", la fédération elle-même n'est pas directement impliquée dans le développement économique et/ou professionnel des enseignants. Pendant les dix premières années qui ont suivi sa création (1920), la fédération fut le porte-parole des enseignants, au plan national; elle a demandé de substantielles augmentations de salaires pour les membres de toutes les provinces. Avec le temps, elle a évolué et son action a consisté par la suite à promouvoir la coopération parmi ses affiliés et la recherche en éducation, de même qu'à encourager ses membres à acquérir une formation professionnelle plus poussée.

**L'ORIGINE DE LA RECONNAISSANCE DU "DROIT" OU DU
"PRIVILEGE" DE LA NEGOCIATION COLLECTIVE AUX ENSEIGNANTS**

Immédiatement après leur fondation, plusieurs associations d'enseignants (particulièrement celles de l'ouest du Canada) ont tenté d'amener les commissions scolaires à leur reconnaître spontanément le "privilege" de négocier. Dans quelques provinces, de tels "privileges" furent accordés par certaines commissions scolaires dès la fin des années '20. Quoique la

date à laquelle les employeurs ont adopté cette attitude varie d'une province à l'autre, les choses se sont passées de la même façon dans la plupart des cas. Ce sont d'abord les enseignants des villes qui se sont unis de manière à représenter une force; en exerçant des pressions auprès de leurs commissions scolaires, les associations urbaines furent reconnues très longtemps avant celles des enseignants ruraux 5/. Ce phénomène est tout à fait naturel, étant donné que les institutions rurales de cette époque étaient petites et non centralisées (en Saskatchewan, par exemple, il y avait 5,000 commissions scolaires avant 1945, alors qu'il en existait 66 en 1968). Ainsi, dans chaque province, certaines commissions scolaires reconnurent volontairement les associations d'enseignants alors que d'autres ne le firent pas.

Durant la dépression des années '30, les enseignants ont commencé de s'interroger sérieusement sur la valeur de ces "privilèges" volontairement accordés par l'employeur. Ils ont découvert que la plupart des avantages obtenus grâce à de telles négociations au cours des années '20 leur étaient retirés, dès le début des années '30, de par la décision unilatérale des commissions scolaires. En Alberta, par exemple, le salaire moyen d'un enseignant, qui était de \$1,160. par année en 1921 n'était plus que de \$746. en 1933 6/. Les associations réalisèrent alors qu'elles devaient, tout comme les syndicats, obtenir le "droit" à la négociation obligatoire—sans quoi rien n'assurait aux enseignants la permanence d'une hausse de salaire. Plusieurs associations conclurent à l'échec de la reconnaissance volontaire et dès lors elles cherchèrent à obtenir l'adhésion obligatoire et statutaire de leurs membres; de là découlerait tout naturellement le droit à la négociation collective obligatoire.

Dans les sept provinces où les enseignants ont aujourd'hui le "droit" de négocier, l'établissement de ce droit a soulevé beaucoup de résistance

de la part des ministères de l'Education, des commissions scolaires et de quelques enseignants. Dans chacune de ces provinces, ce droit ne fut acquis qu'au prix d'une longue période de combat. Quoique la participation à la détermination des salaires ait été l'une des premières raisons pour lesquelles furent créées la plupart des associations, le "droit" à la négociation ne fut pas reconnu avant 1941 en Alberta, 1948 au Manitoba, 1949 en Saskatchewan, 1957 en Nouvelle-Ecosse, 1958 en Colombie-Britannique, 1964 au Québec et 1968 au Nouveau-Brunswick. Les agents négociateurs des enseignants peuvent, dans les sept provinces que nous venons de mentionner, contraindre légalement les membres des commissions scolaires à les rencontrer et à négocier avec eux. Les enseignants n'ont pas ce "droit" en Ontario, dans l'Ile-du-Prince-Edouard et à Terre-Neuve. Quoique les enseignants ontariens n'aient pas légalement parlant, le "droit" de négocier, ils ont cependant, de par une entente à l'amiable entre la fédération des enseignants et le conseil des commissaires, le droit "effectif" de négocier. Dans l'Ile-du-Prince-Edouard et à Terre-Neuve, les enseignants ne négocient pas; toutefois, ils adressent parfois au gouvernement des demandes relatives au niveau des salaires. De plus, les associations d'enseignants de ces deux provinces ne se sont pas activement employées à obtenir le droit de négocier.

L'ETENDUE DE L'UNITE DE NEGOCIATION

Contrairement à ce qui se passe dans le secteur privé, on s'est relativement peu préoccupé de la définition et de l'établissement d'unités de négociation chez les enseignants. Sauf dans les provinces où elle est spécifiquement déterminée par la législation (Saskatchewan, Québec, Nouveau-Brunswick), l'unité de négociation correspond généralement aux dimensions du district scolaire. Plusieurs enseignants s'inquiètent de la tournure que prennent les choses dans le Québec, le Nouveau-Brunswick et la Saskatchewan.

Malgré l'opposition des enseignants, les gouvernements de ces trois provinces ont pris des mesures législatives et décidé unilatéralement d'élargir l'unité de négociation—aux dimensions provinciales dans le Québec et le Nouveau-Brunswick, et régionales en Saskatchewan. Les enseignants des autres provinces se sont demandé si cette pratique n'allait pas devenir courante.

Dans toutes les provinces, ces unités de négociation comprennent ceux qui enseignent dans les classes, ceux qui agissent comme conseillers ou comme professeurs de métiers; les surintendants en sont expressément exclus. Les principaux et leurs adjoints peuvent être ou ne pas être inclus. Dans certaines provinces, ils ont choisi de ne pas adhérer ("opted-out") à l'unité; dans ce cas, ou ils négocient individuellement ou ils forment leurs propres unités de négociation. Dans la plupart des provinces, le fait d'inclure les principaux dans les unités a soulevé de vives controverses. Les commissaires préféreraient qu'ils négocient à part. C'est là un point qui deviendra de plus en plus critique dans l'avenir, à mesure que les régimes scolaires prendront de l'expansion et que diminuera d'autant, en pratique, la possibilité pour les directeurs généraux de s'occuper de tous les enseignants.

LES AGENTS NEGOCIATEURS DES ENSEIGNANTS

L'agent négociateur a été spécifiquement défini par la loi, ou par le conseil chargé des règlements, dans six provinces; dans deux autres 7/, il a été spontanément reconnu. Au Québec et au Nouveau-Brunswick, où les négociations s'effectuent au niveau provincial, les associations provinciales d'enseignants ont été nommées **agents négociateurs**. Dans quatre provinces (Colombie-Britannique, Saskatchewan, Manitoba et Ontario), où les unités correspondent à l'administration locale ou régionale, les agents négociateurs

sont des délégués des enseignants locaux ou régionaux. En Alberta et en Nouvelle-Ecosse, quoique les unités soient locales, ce sont les associations provinciales qui jouent le rôle d'agents négociateurs accrédités.

LES ENSEIGNANTS ET "L'ATELIER FERME"

De nos jours, on est porté à prendre pour acquis aussi bien l'adhésion à l'association que la sécurité financière, oubliant la lutte qu'ont dû mener la plupart des associations pour obtenir et accroître la participation de leurs membres. A la suite du manque d'enthousiasme qui caractérisait les années '20 puis de l'impact que comportait la dépression des années '30, les associations d'enseignants ont eu beaucoup de mal à s'adjoindre des membres et à les conserver, de même qu'à recueillir les cotisations. Les temps étaient particulièrement durs dans la région des Prairies où, en plus de la dépression, sévissait la sécheresse. Cependant, en 1935, à cause ou en dépit de ces conditions, les enseignants de la Saskatchewan furent les premiers à obtenir la sécurité syndicale; aux termes d'une loi provinciale, tout enseignant appartenait obligatoirement à l'association et les cotisations des membres de la fédération étaient déduites à la source. L'exemple de la Saskatchewan fut suivi par l'Alberta en 1936. Une fois le modèle établi, les autres provinces devaient éventuellement l'adopter en tout ou en partie: le Manitoba et le Nouveau-Brunswick en 1942, l'Ontario en 1944, l'Ile-du-Prince-Edouard en 1945, la Colombie-Britannique en 1947, le Québec (enseignants protestants) en 1945, Terre-Neuve et la Nouvelle-Ecosse en 1951. Mais ce n'est qu'en 1960, lorsque les associations catholiques du Québec obtinrent à leur tour la reconnaissance statutaire, que la totalité des associations d'enseignants du Canada avait reçu cette reconnaissance, accompagnée d'une forme ou d'une autre de cotisation obligatoire.

Au chapitre des exigences légales concernant les membres, les gouvernements provinciaux ont adopté **différentes politiques**. Les provinces obligent, soit le ministère de l'Education ou la commission scolaire, à percevoir les cotisations des membres. La Colombie-Britannique, l'Alberta, l'Ontario 8/ et le Nouveau-Brunswick furent les seules provinces à suivre la politique de la Saskatchewan, selon laquelle tous les enseignants doivent, comme condition d'emploi, être membres en bonne et due forme de l'association. Au Manitoba, au Québec, en Nouvelle-Ecosse, dans l'Ile-du-Prince-Edouard et à Terre-Neuve, tout enseignant est automatiquement membre de l'association mais chaque année, durant une période donnée, il a le droit de s'en détacher. L'expérience démontre que moins de 5 pour cent des enseignants se prévalent de ce droit.

Peu de gens, semble-t-il, ont mesuré, en 1935, l'importance de la percée accomplie à cette époque. Avec le recul que nous avons aujourd'hui, il est évident que l'obtention des statuts professionnels et de l'appartenance obligatoire aux associations a joué un rôle capital dans le monde des enseignants; elle leur a fourni les moyens d'exercer une influence considérable dans le domaine de l'éducation provinciale. De plus, cet "atelier fermé", imposé et garanti par la loi, représente peut-être la plus puissante influence isolée qui soit en mesure d'affecter le fonctionnement même et les résultats de la négociation collective.

LA PROCEDURE DE LA NEGOCIATION
COLLECTIVE CHEZ LES ENSEIGNANTS

D'une province à l'autre, la procédure de négociation varie beaucoup; il va d'une procédure extrêmement stricte en Colombie-Britannique jusqu'à une simple discussion en Ontario. Dans sept provinces, la procédure est

plus ou moins rigide selon les lois spécifiques qui la régissent; en Ontario, elle est une entente dénuée de formalisme entre les associations d'enseignants et les commissions scolaires. La différence entre les diverses procédures est si grande selon les provinces qu'il serait tout à fait injuste d'en parler en termes généraux; c'est pourquoi, dans les pages qui suivent, nous mentionnerons les caractéristiques des procédures dans chaque province. Nous irons de l'ouest à l'est.

Colombie-Britannique

La loi qui régit les écoles publiques de la Colombie-Britannique impose aux enseignants et aux commissaires une procédure très précise et inflexible, dont le stade final est l'arbitrage obligatoire. Aux termes de cette loi, les parties entament des pourparlers peu après l'ouverture des classes en septembre et, si elles ne parviennent pas à un accord, un conciliateur doit être nommé au plus tard le 31 octobre. Si les démarches de ce conciliateur — généralement un citoyen en vue — n'aboutissent pas à un règlement avant le 14 novembre, la question est soumise à un tribunal d'arbitrage des salaires. Ce tribunal composé de deux avocats et d'un président, doit prendre, avant le 31 décembre, une décision finale que les deux parties en cause devront obligatoirement respecter.

Les enseignants ont protesté vivement contre l'inflexibilité des limites de temps que leur impose la loi 9/. Alors qu'ils déclarent qu'on leur alloue trop peu de temps pour l'arbitrage, un porte-parole de l'association des commissaires fait remarquer que, au cours des sept dernières années, on n'a jamais entendu parler de séances d'arbitrage qui aient duré plus de deux jours; dans la plupart des cas, elles n'ont pris qu'une seule journée 10/. Les commissaires estiment que la valeur de la procédure repose sur la garantie que toutes les négociations auront abouti à une conclusion le 31 décembre.

Alberta

Les enseignants albertains négocient sous l'empire du "Alberta Labour Act". Quoique cette loi ait été conçue à l'intention du secteur privé, le Board of Industrial Relations l'a interprétée et appliquée avec beaucoup de souplesse au cas des enseignants. Ainsi faut-il mettre l'accent surtout sur la pratique en Alberta, plutôt que sur les dispositions légales.

Les parties commencent généralement leurs négociations au niveau local, en janvier ou février, visant à conclure une entente avant la fermeture des classes en juin. Cependant, les pourparlers doivent souvent être suspendus pendant les vacances d'été pour reprendre à l'automne, au début de l'année scolaire. En pratique, il n'existe guère de limite de temps; par conséquent, les négociations se prolongent parfois à un point tel que les deux parties peuvent négocier le contrat d'une année scolaire déjà écoulée. Les parties en cause suivent une procédure en six étapes: négociations locales, négociations par l'entremise d'agents négociateurs, recours à un conciliateur, à un conseil de **conciliation**, à la médiation spontanée et, finalement, à la grève. Les deux caractéristiques de cette procédure sont tout d'abord la souplesse et, ensuite, la conciliation à deux étapes; en effet, et le conciliateur et le conseil de conciliation doivent suggérer aux deux parties des éléments d'entente.

Saskatchewan

La procédure des négociations des enseignants de la Saskatchewan fut modifiée en 1968 par une loi provinciale spéciale (Teacher Salary Agreements Act). Cette loi autorisa le ministre à diviser la province en "régions" de négociation; elle stipula que toutes négociations devraient, dans l'avenir,

s'effectuer au plan régional. Ainsi furent réduites à treize unités les cent vingt trois unités locales de négociations.

La loi modifia aussi la date d'expiration des négociations; la limite passa du 30 juin au 30 décembre. Les premières négociations sous l'empire de cette loi ont donc duré dix-huit mois. Ce furent des négociations difficiles à cause des points suivants: (a) la nouveauté des procédures, (b) la nécessité de supprimer les disparités qui existaient à l'intérieur d'une région donnée, (c) la nécessité de déterminer quels sujets étaient négociables à ce niveau, (d) la convention d'une durée de dix-huit mois et (e) l'opposition des enseignants à l'imposition de la négociation régionale. Cette procédure n'obtint pas un grand succès et donna lieu à plusieurs différends. Cependant, il serait injuste d'émettre un jugement de valeur sur des procédures qui ne furent expérimentées qu'une seule fois.

La loi stipule que l'avis de négociation doit être signifié avant le 15 octobre et que les pourparlers doivent commencer dans les trente jours qui suivent. Si, le 7 janvier, les parties n'en sont pas venues à un accord, un conciliateur pourra être nommé; il aura jusqu'au 15 février pour aider les parties et faire rapport au ministre. Si, à cette date, l'entente n'est pas conclue, les parties peuvent soumettre leur différend à l'arbitrage volontaire; sinon, le ministre peut publier, par les moyens qu'il juge appropriés, les revendications des négociateurs et le rapport du conciliateur. La loi ne prévoit aucune procédure subséquente; il semble donc que la médiation volontaire et le droit de faire la grève (que se "réservent" les enseignants) continuent d'exister comme par le passé.

Manitoba

Au Manitoba, les négociations débutent au niveau local, trois mois avant la date d'expiration de la convention (le 31 décembre ou le 31 août). En tout temps, pendant les négociations, l'une ou l'autre des parties peut faire appel aux services d'un conciliateur. Le cas échéant, les associations provinciales d'enseignants et de commissaires sont généralement impliquées dans la procédure. Ces conciliateurs ne sont pas forcés de faire rapport aux parties; si leurs tentatives sont vaines, le ministre peut soumettre le différend à un conseil d'arbitrage formé de trois personnes. Ce comité d'arbitrage met généralement tout en oeuvre pour satisfaire les deux parties; mais s'il échoue, il peut et doit émettre une décision finale liant les deux parties en cause.

Ontario

Les associations de commissaires et d'enseignants de l'Ontario ont établi leur propre mode de négociations. La plupart des contrats expirent le 31 août; dans la majorité des cas, les négociations au niveau local sont commencées depuis le mois de janvier précédent. En cas d'échec à ce niveau, les enseignants (et les commissaires) peuvent faire appel à un agent de leur propre association provinciale, qui jouera le rôle de négociateur. De tels représentants assument généralement (surtout à l'élémentaire) la pleine responsabilité des négociations; chargés des discussions, ils ont aussi le pouvoir de signer une convention. Remarquons que la Fédération des enseignants de l'Ontario et l'Association provinciale des commissaires d'écoles ne sont jamais directement impliquées dans les négociations, si ce n'est à titre de conciliateurs 11/.

La plupart des ententes sont conclues à l'étape "agent négociateur" Advenant le contraire, il y aura conférence où des membres de l'exécutif des deux organisations provinciales agiront comme médiateurs. Dans certains cas, les deux organisations provinciales ont aussi formé un comité de conseillers chargé de faire enquête et de suggérer aux parties en cause des éléments de solution.

Si ces tentatives de conciliation sont infructueuses, les associations provinciales remettent généralement les choses aux parties locales qui, dès lors, sont entièrement responsables de toutes les activités subséquentes — établissement d'une liste "rose" ou "grise", désignation du lieu du conflit ou reprise des négociations locales. Le plus souvent, les deux parties retournent à la table des négociations locales et résolvent leur différend sans recourir à quelque forme de coercition que ce soit. Les deux principales caractéristiques du processus ontarien sont peut-être les suivantes: coopération apparente entre les parties, absence du gouvernement ou de quelque autre tiers venant de l'extérieur 12/.

Québec

Le Code du travail, par un amendement daté de 1965, dotait les enseignants d'un processus bien défini de négociations à trois temps: négociations, conciliation puis le choix entre l'arbitrage volontaire ou la grève. Avant d'entrer en grève, les enseignants doivent laisser s'écouler une période de calme de soixante jours, auxquels peuvent s'ajouter vingt jours pendant lesquels un comité formé par le gouvernement enquêtera sur la situation. Notons que les provisions du code furent utilisées par la CEQ (Corporation des Enseignants du Québec) et, jusqu'à un certain point, par la Provincial Association of Catholic Teachers; pour sa part, la Provincial Association of Protestant Teachers n'a pas demandé l'accréditation mais elle a plutôt "négocié volontairement" avec les commissions scolaires 13/.

L'année 1967 changea tout cela par l'adoption du Bill 25, circonvension des dispositions du Code. Ce projet de loi (a) retirait "temporairement" aux enseignants le droit de faire la grève, (b) imposait le retour au travail à douze mille grévistes montréalais, (c) enlevait temporairement aux enseignants le droit de négocier, (d) stipulait que les négociations futures s'effectueraient au niveau provincial et (e) établissait unilatéralement une échelle de salaires applicable à tous les enseignants de la province pour la période se terminant le 30 juin 1968.

Comme l'exigeait la loi, les trois associations d'enseignants formèrent un comité conjoint chargé de rencontrer la partie patronale (le gouvernement et les deux associations de commissaires) et de conclure avec elle une entente pour la période du 1er juillet 1968 au 30 juin 1970. Les parties passèrent plusieurs mois à établir une procédure de négociation et, finalement, les pourparlers proprement dits ne débutèrent que le 22 janvier 1968. Ces négociations connurent maints retards, maintes contre-propositions et maintes formes différentes de pression de la part des enseignants (toutes choses que nous ne saurions étudier en détail ici). Il s'ensuit que les pourparlers ne se terminèrent qu'au mois de septembre 1969—à mi-chemin du temps couvert par la convention 14/. Pour que ce mode de négociation au niveau provincial soit efficace, il faudra d'abord que les parties arrivent à s'entendre sur la procédure à suivre.

Nouveau-Brunswick

Avant 1967, les enseignants de plusieurs districts du Nouveau-Brunswick "négociaient" librement avec leurs commissions scolaires. Leurs revenus étaient, dans tous les cas, composés de ces salaires "négociés", d'un octroi gouvernemental versé directement aux intéressés et de tout surplus que

chacun, individuellement, pouvait obtenir grâce à des arrangements supplémentaires avec son employeur. Le 1er janvier 1967, le gouvernement provincial assumait la responsabilité du financement des écoles et la nouvelle loi scolaire lui conféra le pouvoir d'établir une échelle de salaires applicable à toute la province. Le ministre de l'Education et l'association des enseignants tinrent une série d'assemblées non officielles et "négocièrent" 15/ une échelle provinciale de salaires pour l'année scolaire 1967-1968 et de nouveau pour 1968-1969. Suivant la recommandation du rapport Frankel, le gouvernement promulgua la Loi des relations du travail dans la fonction publique, en décembre 1968. Cette loi stipulait que le Conseil du Trésor serait désormais "l'employeur" et permettait aux enseignants d'élire un négociateur qui serait par la suite accrédité.

Les clauses de cette loi régissent les négociations relatives à l'année scolaire 1969-1970. Quand l'association provinciale des enseignants a avisé le Conseil du Trésor de son intention de négocier (ce qu'elle peut faire n'importe quand au cours des deux mois qui précèdent l'expiration d'une convention), les pourparlers doivent commencer dans les vingt jours qui suivent et peuvent durer jusqu'à quarante-cinq jours. Si, à ce moment-là, on n'est pas parvenu à s'entendre, la loi accorde une période de quatorze jours de négociations avec l'aide d'un conciliateur puis de quinze avec celle d'un conseil de conciliation 16/. La loi prévoit aussi l'arbitrage volontaire mais, advenant le cas où l'une des deux parties s'y refuse, il y a impasse et rupture des négociations, après quoi les enseignants peuvent voter en faveur de la grève.

Nouvelle-Ecosse

La procédure de négociation en Nouvelle-Ecosse est établie par le Nova Scotia Teachers' Union Act. Les discussions peuvent commencer n'importe

quand au niveau local; en cas d'échec, le syndicat ou la commission scolaire peuvent demander au ministre de former un conseil de conciliation (composé de trois membres). Comme le syndicat est l'agent négociateur officiel, c'est donc lui-même, et non les enseignants locaux, qui est autorisé à demander la conciliation; c'est lui aussi qui s'occupe de la préparation et de la présentation des cas à soumettre aux conciliateurs. Le conseil de conciliation a pour tâche d'enquêter sur la situation, d'aider les parties à s'entendre et de soumettre une recommandation au ministre. Si les efforts de ce comité sont infructueux, le ministre peut nommer un médiateur. Si le médiateur ne réussit pas non plus, les enseignants estiment qu'ils se "réservent" le droit de déclarer la grève (quoique la loi ne dise rien à ce sujet).

Ile-du-Prince-Edouard et Terre-Neuve

Nous parlerons peu de ces deux provinces où les associations d'enseignants réclament parfois, dans des mémoires, des augmentations de salaires de leur gouvernement mais ne "négocient" pas avec lui. A Terre-Neuve, les salaires sont déterminés unilatéralement par le gouvernement, pour toute la province. Dans l'Ile-du-Prince-Edouard, le gouvernement établit une échelle de salaires pour l'ensemble de la province; mais les commissions scolaires locales ajoutent à ces revenus un supplément, les portant généralement au maximum prévu ($33 \frac{1}{3}$ de l'échelle provinciale).

LES ENSEIGNANTS ET LE DROIT DE GREVE

Il n'existe pas une question touchant les associations d'enseignants et leurs activités organisées qui ait reçu autant d'attention que leur recours aux sanctions économiques. Les critiques déclarent qu'une telle

activité est anti-professionnelle, qu'elle va à l'encontre de l'intérêt public et cause du tort aux étudiants.

Quelle que soit la valeur de ces remarques, il n'en reste pas moins difficile de nier que, pour qu'un groupe d'employés participe activement à l'établissement des salaires, il faut qu'il soit en mesure d'exercer une certaine forme de pression auprès de son employeur. Cette pression peut résulter tout simplement d'un appel à la sympathie du public ou encore du droit de soumettre tout différend à un tiers afin d'arriver à un règlement. Cette pression peut être plus directe et résulter d'un arrêt de travail: grève, démission massive, journées d'études. A tout événement, dès que l'on admet le principe qui veut que les employés aient le droit de participer activement à la détermination de leurs salaires et de leurs conditions de travail (principe fermement établi sur notre continent), on ne saurait interdire à un groupe d'employés le recours aux sanctions économiques. Cela ne signifie pas que l'emploi de telles sanctions doit être exempt de tout contrôle; il faut s'assurer du sérieux de ceux qui en sont responsables et protéger la population contre les abus.

Les enseignants de toutes les provinces utilisent d'une manière ou d'une autre les sanctions économiques. Ils peuvent s'en tenir à l'émission de communiqués destinés à sensibiliser la population et à demander au gouvernement d'étudier et d'améliorer leur situation; c'est ainsi que les choses se passent à Terre-Neuve et dans l'Île-du-Prince-Édouard. Mais ils peuvent aussi aller jusqu'à la grève, comme cela arrive en Alberta. Soulignons que même si, pour nous conformer à la terminologie en usage dans l'industrie, nous qualifions "d'économiques" ces sanctions, la pression qu'elles exercent est beaucoup plus d'ordre politique et social que d'ordre économique.

Le Manitoba est la seule province où la grève est spécifiquement interdite par la loi. Un examen des documents et des activités des associations provinciales d'enseignants révèle que, ailleurs qu'en Ontario, à Terre-Neuve et dans l'Île-du-Prince-Édouard, on a travaillé ferme pour obtenir ou pour conserver le droit de grève. Les associations de commissaires de la Saskatchewan et du Nouveau-Brunswick se sont nettement opposées à la reconnaissance de ce droit. On peut à coup sûr assumer que plusieurs commissaires d'autres provinces partagent ce point de vue. Ils estiment que les commissions scolaires ne sont guère pourvues d'armes comparables au droit de grève. Ils sont "mandatés" et, en tant que tels, ils sont soumis à des obligations législatives et morales qui les empêchent de recourir à la puissance économique dont peut se prévaloir un employeur du secteur privé.

Il est arrivé parfois aux enseignants de se comparer eux-mêmes aux travailleurs industriels et d'émettre l'argument suivant: ils doivent avoir le droit de déclarer la grève pour contrebalancer le droit qu'ont les commissions scolaires de déclencher un lock-out. Cet argument est sans valeur car, quoique la fermeture d'une école soit légalement possible en Alberta, les commissions scolaires n'ont pas réellement le choix, et voici pourquoi: la loi oblige les commissaires à assurer le fonctionnement des écoles durant un nombre déterminé de jours chaque année (habituellement deux cents jours) et la fermeture des portes d'une institution les empêcherait d'obéir aux dispositions de la loi. De plus, peu de commissaires oseraient risquer de s'attirer l'animosité publique que déclencherait un tel geste; fermer une école, c'est aller contre le droit qu'ont les enfants à l'éducation 17/.

Il existe d'autres différences fondamentales entre le système de l'école publique et celui de l'industrie privée, différences qui font que l'on ne saurait établir de comparaison directe entre le droit de grève chez les enseignants et chez les autres employés. Les voici:

1. Contrairement à un employeur du secteur privé, un système scolaire n'est pas une entreprise à but lucratif. C'est là une distinction fondamentale étant donné que (a) les écoles ne rapportent pas de revenu, (b) les commissaires n'ont pas à s'occuper de profits ou de dividendes, (c) la productivité des enseignants ne se mesure pas et ne peut pratiquement pas se mesurer, (d) les commissaires ne possèdent pas d'actions et n'ont pas d'intérêt financier en cette affaire, (e) le système scolaire n'est pas en concurrence avec d'autres entreprises et n'est pas menacé de perdre sa clientèle à cause d'une hausse des prix. Les commissaires, qui n'ont pas à se soucier de la concurrence ni des profits, se préoccupent de la proportion des frais scolaires qu'absorbera le gouvernement provincial et de l'impact d'une augmentation des taxes locales.
2. Contrairement à la plupart des employeurs ordinaires en temps de grève, les commissaires n'ont pas à envisager un moindre profit ou la mort de l'entreprise. Une grève d'enseignants n'est pas vraiment une arme économique, étant donné qu'elle n'exerce aucune pression financière sur le commissaire. En fait, la grève produit plutôt une pression sociale et politique sur le commissaire d'école.
3. La plupart des provinces, pour éviter aux élèves les inconvénients résultant d'un changement de maîtres, exigent et des enseignants et des commissions scolaires que l'engagement couvre toute une

année scolaire (sauf dans des circonstances spéciales et par un consentement mutuel). Cette restriction, en plus d'empêcher les grèves illégales, empêche par surcroît les enseignants de se trouver du travail dans une autre école, soit avant soit durant une grève légale. Contrairement à l'employé de l'industrie, l'enseignant n'est pas libre de quitter sa tâche s'il n'aime pas la façon dont sont menées les négociations ou s'il ne veut pas s'engager dans une grève. Il doit rester disponible afin de retourner en classe dès qu'une grève légale est terminée. Par conséquent, contrairement à ce qui se passe dans le secteur privé, les commissions scolaires ne risquent pas de perdre leur personnel enseignant durant une grève.

4. Dans cinq provinces, la loi oblige les maîtres à faire partie des associations d'enseignants. Il s'ensuit que les commissions scolaires de ces provinces ne peuvent recourir à des "briseurs de grève" (alors que cela peut advenir dans l'entreprise privée), étant donné que seuls les "membres en bonne et due forme" de l'association sont autorisés à faire la classe dans ces écoles. Naturellement, toute personne qui passerait outre à la décision d'entrer en grève serait automatiquement exclue de l'association et, par voie de conséquence, n'aurait plus le droit d'enseigner en ces lieux. C'est là un "atelier fermé" stipulé par la loi.

Si l'on examine les dossiers, on constate que les enseignants se sont prévalus de leur droit de grève; mais la plupart des gens conviendront qu'ils l'ont fait avec modération (sauf peut-être la Corporation des Enseignants du Québec). Entre le 1er juillet 1960 et le 1er mai 1969, on compte vingt-six grèves d'enseignants 18/. De ces grèves, vingt et une ont eu lieu au

Québec (dont huit étaient illégales) trois en Alberta et deux en Saskatchewan. Sauf dans le cas du Québec, ces grèves n'ont rien d'alarmant, ni par leur fréquence ni par leur gravité. En Saskatchewan, les deux grèves ont duré respectivement trois et dix jours; en Alberta, sept, neuf et quatre jours. Quant au Québec, la fréquence et la durée des conflits y sont inquiétantes. Onze des vingt et une grèves du Québec ont fermé les classes durant quinze jours ou davantage et sept d'entre elles ont duré plus d'un mois. Entre le 1er juillet 1960 et le 1er mai 1969, ces grèves équivalent à 3,451 jours-enseignants en Alberta, à 1,617 en Saskatchewan et à plus de 444,362 19/ au Québec.

LES MOYENS DE CONTRAINTE AUTRES QUE LA GREVE ABSOLUE

Le recours à une sanction contre un employeur, quelle qu'elle soit, n'est toujours qu'une désagréable nécessité. Cependant, les enseignants estiment que, à moins de pouvoir prendre des mesures efficaces à l'endroit d'une commission scolaire récalcitrante, ils ne sauraient posséder, à la table des négociations, une puissance égale à celle de leur employeur. Par conséquent, ils croient qu'ils doivent nécessairement avoir d'autres recours, là où la loi leur interdit la grève ou bien lorsque les enseignants eux-mêmes ne veulent pas la faire. Voici cinq de ces autres mesures.

Démision massive

Plusieurs considèrent la démission massive comme une sorte de grève à retardement. Selon cette technique, tous les enseignants (ou la majorité) formant une unité de négociation remettent leur démission, tel que requis par leur contrat individuel. Ainsi en Ontario, par exemple, les enseignants peuvent remettre le 31 mai une démission qui ne sera effective que le dernier

jour de l'année scolaire—le 31 août. Cette mesure exerce une pression considérable sur la commission scolaire. Si le différend ne se règle pas rapidement, non seulement le système scolaire se trouvera-t-il à court d'enseignants au mois de septembre, mais de plus nombres de maîtres chercheront et trouveront du travail dans d'autres écoles. La démission massive a été utilisée dans l'Ontario, en Nouvelle-Ecosse et récemment au Québec.

C'est une technique qui n'est pas aussi "nette" que la grève. Plusieurs de ceux qui démissionnent de la sorte ne reviennent jamais dans le district qu'ils ont quitté, même une fois réglée la question des salaires parce que, pendant la période de discussion, il s'engagent à aller travailler ailleurs. Il se peut donc qu'un district scolaire donné n'ait pas, durant une année complète, tout le personnel dont il aurait besoin.

Cette technique peut non seulement exercer une pression temporaire sur la commission, mais elle peut également affecter très gravement le système pendant une période de deux ou trois ans. En dépit de ce problème, l'emploi de cette mesure a été accepté par le public et par la presse dans plusieurs parties du Canada, où l'on réagissait très mal à l'idée de la grève.

L'efficacité de la démission en bloc dépend évidemment du support individuel des enseignants formant l'unité de négociation mais aussi de celui de tous les enseignants de la province. Le premier support assure un nombre suffisant de **démissions** et le second suppose que les enseignants appartenant à d'autres unités s'abstiendront de solliciter les emplois vacants. En conséquence, il se peut que cette technique n'ait de valeur qu'aussi longtemps qu'on manquera de professeurs.

Etablissement d'une liste "grise"

Les enseignants peuvent aussi faire appel à la solidarité de leurs confrères en leur désignant les lieux du désaccord. Cela s'est fait en Nouvelle-Ecosse, en Ontario, en Saskatchewan, au Manitoba et récemment au Nouveau-Brunswick. C'est surtout en Ontario que l'on a utilisé ce moyen; l'association des enseignants a demandé à tous les maîtres de la province de s'abstenir de signer des contrats individuels avec une certaine commission scolaire avec laquelle elle ne parvenait pas à s'entendre. Ce procédé très efficace tient de la "liste noire"; par euphémisme, on l'appelle "liste rose" ou "liste grise", selon la couleur du papier sur lequel on fait imprimer les lettres.

Voilà plusieurs années que les syndicats ouvriers utilisent cette forme d'appel à la solidarité. En désignant à ses membres le lieu d'un désaccord, en leur demandant de faire front commun, l'association des enseignants trace symboliquement une ligne de piquetage. L'appui réside alors dans le fait de s'abstenir de solliciter ou d'accepter du travail dans l'école désignée. La commission scolaire est par conséquent privée des enseignants dont elle a besoin; d'où forte pression, vu l'exiguïté de ce marché du travail et la brièveté de la période de recrutement dans ce domaine où la concurrence est très prononcée. L'appel à la solidarité professionnelle est assez différent de la grève ou de la démission massive, en ce sens que le succès de cette mesure dépend entièrement de l'appui que lui apporteront des enseignants qui ne sont pas impliqués dans la querelle.

Journées d'étude

Les "journées d'étude" sont une troisième forme de sanction. Ce sont surtout les enseignants du Québec qui ont utilisé ce moyen légal de

protestation. La loi autorise le principal à fermer son école pendant une journée ou deux pour certaines raisons qui incluent la tenue de conférences spéciales. Selon cette technique, les enseignants quittent leurs classes pour se réunir durant toute la journée et "étudier" leurs griefs. La plus importante conférence de ce genre eut lieu au Québec lorsque tous les enseignants de cette province s'assemblèrent pour "étudier" le **Bill 25**.

Grève du zèle

Imitant ici encore le syndicalisme, les enseignants peuvent s'abstenir de toute tâche non professionnelle; c'est là une autre mesure de protestation et de pression auprès de la commission scolaire. Les maîtres s'en tiennent alors au travail strictement exigé, non plus selon l'esprit mais selon la lettre de la loi. Ils refusent d'accomplir les nombreuses tâches "bénévoles" et "non professionnelles" qu'ils assument en temps normal - surveillance du lunch et de la récréation, culture physique, etc. Evidemment, cela compromet la bonne marche de l'institution. Cette technique a récemment été appliquée au Québec et en Saskatchewan; on en a discuté et l'on a menacé d'y recourir également dans les autres provinces.

Grève tournante

Les enseignants du Québec ont adopté une autre mesure du genre de celles dont nous parlons ici, mesure qui n'entrave pas assez la bonne marche d'une école pour entraîner l'intervention du gouvernement. En février 1969, pour tâcher de sortir de l'impasse où en étaient leurs négociations, ils ont commencé une grève tournante; chaque jour, les enseignants d'une école ou d'une autre entraient en grève sans prévenir. On n'a pas utilisé longtemps cette technique, car le gouvernement a obtenu une injonction contre ces arrêts de travail.

Si l'on examine les conséquences de ces divers types de sanction, on constate que la grève est un moyen plus net, plus efficace et moins dommageable que la démission massive ou l'inscription sur une liste "grise". A long terme, ces deux dernières mesures portent beaucoup plus atteinte au système scolaire que ne le fait une grève. L'emploi d'une sanction économique, quelle qu'elle soit, comporte toujours le risque d'affecter les relations enseignants-commissaires. Cependant, quand il y a grève, l'employeur est certain d'avoir encore du personnel une fois le conflit réglé. Quand il y a démission massive ou liste "grise", l'employeur manquera probablement de personnel et l'équipe de travailleurs sera, généralement parlant, d'une qualité moindre—et cela durant un certain nombre d'années. La grève met les cartes sur la table, purifie l'atmosphère et n'a guère de conséquences à long terme tandis que les deux autres mesures déjà mentionnées ont des effets plus durables et, par conséquent, causent plus de préjudice à long terme au système scolaire.

Orientation du régime
de négociation chez les enseignants

Une étude du salaire des enseignants démontre nettement que les variations d'un district à l'autre, à l'intérieur des provinces, sont extrêmement légères. On a même le sentiment que l'on s'en va vers une réduction plus grande encore de ces différences. Il existe fondamentalement cinq facteurs conduisant à la similarité intra-provinciale des niveaux de salaires des enseignants. Le premier est d'ordre économique, le deuxième correspond au marché du travail et les trois autres sont de nature institutionnelle. Terre-neuve, l'Île-du-Prince-Édouard, le Nouveau-Brunswick et le Québec sont exclus de cette étude; dans ces quatre cas, l'établissement d'une échelle

provinciale de salaires a évidemment éliminé toute disparité intra-provinciale. Nous ne nous occuperons guère de la Saskatchewan, où les négociations régionales ont substantiellement réduit les différences. Examinons maintenant les cinq facteurs ci-haut mentionnés.

Facteur économique

Le facteur qui a le plus contribué à réduire la disparité des salaires dans une province donnée fut l'établissement et/ou la mise en oeuvre de programmes à frais partagés. Ces programmes exigent de toutes les commissions scolaires d'une province un niveau minimum ou standard de services éducatifs (y compris les services consacrés à l'instruction). Ils assurent à toutes les administrations, indépendamment de leurs pouvoirs de taxation, la capacité de fournir au moins le minimum de services requis. La contribution des gouvernements provinciaux au financement de l'école publique a fait disparaître plusieurs des iniquités de l'ancien régime selon lequel les institutions jouissaient des services qu'elles avaient les moyens de se payer. Par voie de conséquence, l'application de la nouvelle formule a réduit les différences intra-provinciales entre les niveaux des salaires versés aux enseignants.

Marché du travail

Sous l'angle marché du travail, le facteur qui influence le plus le niveau des salaires à l'intérieur d'une province, c'est la rareté des enseignants. La rareté des enseignants affecte davantage les différences de salaires intra-provinciales que les différences inter-provinciales, et cela à cause de la nature des marchés canadiens du travail dans le domaine de l'enseignement. Etant donné qu'ici les marchés du travail sont encore et surtout d'envergure provinciale, il s'ensuit que la rareté des enseignants

se fait sentir presque également sur toute l'étendue d'une province donnée. Toutes les commissions scolaires d'une province sont donc au courant de ce qui se passe dans les écoles voisines; elles sont donc en mesure de comparer les salaires, les effectifs de même que les allées et venues du personnel enseignant. D'une part, les commissaires réalisent qu'ils doivent accorder à leurs employés des salaires qui ne soient pas inférieurs à ceux des districts environnants. D'autre part, la charge financière et les pressions des contribuables forcent les commissions à ne pas dépasser les limites du possible. Il s'ensuit que les variations du salaire moyen vont s'amenuisant d'un district à l'autre; il s'ensuit également que les fluctuations intra-provinciales des niveaux de salaires diminuent dans la mesure où toutes les commissions scolaires se rapprochent des moyennes provinciales. Ainsi la réaction des commissaires face à la rareté des enseignants entraîne-t-elle une moindre disparité intra-provinciale des niveaux de salaire du corps enseignant.

Facteurs de nature institutionnelle

1. Rôle des associations provinciales

Dans chacune des cinq provinces dont nous parlons, les associations des deux parties, enseignants et commissaires, ont participé de plus en plus activement à la détermination des salaires. Plus elles s'engageaient, plus elles ont vu la nécessité d'établir, au sein d'une province, des salaires comparables et plus uniformes. Chaque étape de cet engagement a donc tout naturellement amené la réduction des différences intra-provinciales.

2. Rôle des tierces parties

Les tierces parties jouent un rôle beaucoup plus important dans la négociation collective quand il s'agit du secteur public que quand il s'agit du secteur privé. De plus, le domaine de l'éducation, plus que tout autre service public, est celui où la présence des tierces parties est le plus efficace, et cela pour une triple raison. D'abord, l'éducation est un point sensible pour les gouvernements provinciaux, qui cherchent à éviter les "incidents" dans ce domaine. Ensuite, les commissaires d'école sont généralement élus pour un terme de deux ans. La négociation collective, le niveau des salaires des enseignants et celui des taxes sont des sujets toujours discutés en temps d'élections. Au moment des négociations, les commissaires seront souvent critiqués s'ils adoptent une attitude ferme et ils le seront également s'ils ne le font pas. Par conséquent plusieurs commissaires ne demandent pas mieux que de soumettre ce problème à un tiers et de lui en laisser la responsabilité. Enfin, une crise dans le domaine de l'éducation concerne personnellement presque toutes les familles d'un district scolaire; les parents exercent alors de vives pressions auprès des commissaires, des enseignants et du gouvernement. Ces pressions suffisent habituellement à déclencher l'intervention d'une tierce partie. Cette importante intervention amène généralement les deux parties à signer des ententes qui ne soient pas trop différentes de celles qui ont été conclues ailleurs dans la province; d'où réduction de la variation intra-provinciale dans les salaires.

Ainsi donc, dans le domaine de l'éducation, les relations employeurs-employés subissent actuellement des pressions venant de deux forces différentes. La première force résulte de l'augmentation rapide des frais de l'éducation et de la pression qu'exercent les contribuables afin que ces

charges soient assumées par les gouvernements provinciaux qui, dans la situation actuelle, n'ont guère de contrôle sur le niveau de ces dépenses. La seconde pression résulte de la réduction des différences intra-provinciales des salaires des enseignants. Cette réduction signifie que l'influence des conditions locales ne joue pas beaucoup dans la détermination des salaires des enseignants. Ainsi la raison qui justifiait l'établissement des salaires au niveau local perd de sa force. D'où une double conséquence. Premièrement, les gouvernements provinciaux assumant une plus grande part de la responsabilité financière de l'éducation, ils s'occuperont davantage de déterminer les salaires; naturellement, celui qui paie a bien le droit de surveiller la dépense. Deuxièmement, on se dirige et l'on se dirigera de plus en plus vers la négociation au niveau régional ou provincial.

Les récentes activités gouvernementales dans le Québec, au Nouveau-Brunswick et en Saskatchewan, prouvent à l'évidence l'existence d'un tel courant. En Ontario, le regroupement des écoles en vastes unités scolaires, conformément aux **Bills** 44 et 45, peut accélérer ce mouvement. De même, en Nouvelle-Ecosse, les "négociations" entre le gouvernement, l'association des enseignants et celle des commissaires s'effectuent déjà, aux termes de la loi, jusqu'au plus haut échelon; l'importance que l'on accorde à l'échelle de négociations peut amener le gouvernement de cette province à s'occuper davantage lui-même de l'établissement des salaires pour tout son territoire. Quant à l'Alberta, ses commissaires et ses enseignants semblent plus que jamais vouloir que la négociation s'effectue sur une base régionale; la parité des salaires et les activités des comités régionaux de négociations peuvent accélérer le courant dans cette province. De plus, la limite d'augmentation du budget, fixée récemment à 6 pour cent par le gouvernement de l'Alberta, peut laisser prévoir une participation plus active du gouvernement

à la détermination des salaires. Enfin, en Colombie-Britannique, la loi récente exigeant que tous les budgets des commissions scolaires soient approuvés par le gouvernement est susceptible de conduire aux mêmes résultats qu'ailleurs. (L'ancien gouvernement du Manitoba avait proposé l'adoption d'une telle loi.) En conclusion, il me semble très clair que l'on s'oriente nettement, dans toutes les provinces, vers une plus grande centralisation de l'établissement des salaires du personnel enseignant, et que partout les gouvernements provinciaux s'engageront eux-mêmes de plus en plus dans le véritable processus de la détermination du salaire des enseignants.

NOTES

- 1/ Moyenne de neuf provinces (Québec exclu).
- 2/ Ce document s'inspire de recherches effectuées entre 1967 et 1969. Celle de 1967 fait partie de l'étude menée pour le compte de l'Equipe spécialisée du Conseil privé sur les relations du travail, et celle de 1969 fut subventionnée par le Comité de recherche du ministère fédéral du Travail et des universités.
- 3/ The Development of Education in Canada par C.E. Phillips. Toronto, W.W. Cane & Co., 1957.
- 4/ La présente étude ne comprend pas les associations d'enseignants du Yukon et des Territoires du Nord-Ouest.
- 5/ Notons toutefois que chez les Canadiens français du Québec, les enseignants du milieu rural se sont groupés avant ceux du milieu urbain.
- 6/ Rapport du Secrétaire-trésorier général, ATA Magazine, vol.13, no 9, (1935), p. 627.
- 7/ Quoique la négociation n'existe pas dans les deux provinces qui restent, il est sous-entendu que les associations provinciales sont censées parler au nom de tous les enseignants de l'Île-du-Prince-Edouard et de Terre-Neuve. Au Québec et en Nouvelle-Ecosse, les agents négociateurs sont mentionnés dans les lois; ils sont accrédités par le conseil des règlements en Alberta, en Saskatchewan, au Manitoba et au Nouveau-Brunswick. Les agents négociateurs ne sont pas accrédités en Colombie-Britannique et en Ontario.
- 8/ En Ontario, tout enseignant doit obligatoirement faire partie de la fédération provinciale, mais pas nécessairement des cinq associations qui forment cette fédération provinciale. Cependant, aux termes de la constitution de la fédération, tout membre de ce groupe est automatiquement membre de l'association affiliée appropriée.
- 9/ En 1965, on ajouta douze jours à la période de conciliation.
- 10/ Lettre de M. A.I. Guttman, Assistant secrétaire général du BCSTA (Association provinciale des commissaires), datée du 10 juin 1966.
- 11/ Ce sont les quatre associations d'enseignants affiliées à l'O.T.F. (Ontario Teachers' Federation) et les quatre associations de commissaires d'écoles affiliées à l'O.S.T.C. (Ontario School Trustees' Council) qui sont impliquées à titre "d'agents négociateurs".
- 12/ Durant les dernières négociations, il y eut deux cas où l'on fit appel à des tiers à titre de conciliateurs.

- 13/ M. le doyen P.C. Briant de l'université McGill, déclare que, en réalité, la Provincial Association of Protestant Teachers, n'a pas "négocié" selon ce régime volontaire.
- 14/ La convention fut finalement signée le 4 novembre 1969.
- 15/ Saul Frankel ne considère pas que cette expérience soit vraiment ce que l'on appelle "négociation collective".
- 16/ Une clause de cette loi (article 50) stipule que, avant qu'un comité de conciliation puisse être formé, on doit avoir établi quels employés doivent être considérés "essentiels" et n'avoir pas le droit d'entrer en grève. Cette clause peut ne pas s'appliquer aux négociations des enseignants.
- 17/ Il est intéressant de constater que le premier lock-out eut lieu au Québec en décembre 1968.
- 18/ Ce nombre n'inclut pas les neuf brèves "sessions d'études" tenues et enregistrées au Québec.
- 19/ Ce nombre comprend les grèves et les "journées d'études" sauf une grève de vingt et un jours dont nous ignorons le nombre de participants.

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